

WAR CRIMES WASHINGTON

12 FEBRUARY 1948

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Thursday, 12 February 1948

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, all Members sitting, with  
exception of: HONORABLE JUSTICE LORD PATRICK,  
Member from the United Kingdom of Great Britain, not  
sitting from 0930 to 1600; HONORABLE JUSTICE E. H.  
NORTHCROFT, Member from the Dominion of New Zealand  
and HONORABLE JUSTICE I. M. ZARYANOV, Member from the  
USSR., not sitting from 0930 to 1200; HONORABLE JUSTICE  
B. V. A. ROLING, Member from the Kingdom of the Nether-  
lands and HONORABLE JUSTICE E. STUART McDOUGALL, Member  
from the Dominion of Canada, not sitting from 1330 to  
1600.

For the Prosecution Section, same as before.  
For the Defense Section, same as before.

(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTPE.)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present  
4 except SHIRATORI and UMEZU, who are represented by  
5 counsel. The Sugamo Prison surgeon certifies that  
6 they are ill and unable to attend the trial today.  
7 The certificate will be recorded and filed.

8 Judge Kwei.

9 JUDGE KWEI: Your Honor, I continue on page  
10 45, fifth line from the bottom:

11 While admitting that there were also other  
12 causes for the resignation of this Cabinet, SHIDEHARA  
13 stated that the Manchurian Incident aggravated the  
14 situation and compelled the Cabinet to resign. <sup>c.</sup> As a  
15 result, INUKAI took office with the accused ARAKI be-  
16 coming his War Minister.

17 D-43. Immediately upon ARAKI's succession  
18 to office, there was an apparent change in the attitude  
19 of the government and in the cooperation between it  
20 and the Kwantung Army in furtherance of the conspiracy.  
21 A device was found, which, while it permitted the govern-  
22 ment to piously assert that it was carrying out the  
23 policy of the previous government of non-enlargement  
24 of the incident, enabled it to render the aid needed  
25

D-42. c. T. 1344.



by the Kwantung Army in effectuating the conspiracy.

1 On September 21, China had appealed to the League of  
 2 Nations,<sup>a</sup> which after a series of preliminary moves,  
 3 on December 10, 1931, adopted a resolution, which,  
 4 inter alia, appointed a commission to investigate  
 5 and report on any circumstances affecting international  
 6 relations -- delete "and" -- which threatened to dis-  
 7 turb peace between China and Japan.<sup>b</sup> Japan, on  
 8 December 10, accepted the resolution with the reser-  
 9 vation that it did not preclude Japanese forces from  
 10 taking such action as might be rendered necessary to  
 11 provide directly for the protection of the lives and  
 12 property of Japanese subjects against the activities  
 13 of bandits and lawless elements.<sup>c</sup> However, it was  
 14 stated that this was an exceptional measure due to  
 15 the special situation and its necessity would end when  
 16 normal conditions were restored.<sup>d</sup> This reservation  
 17 was immediately seized upon as a pretext for action  
 18 in furtherance of the conspiracy. The Lytton Com-  
 19 mission found that the Japanese immediately construed  
 20 the resolution, in light of Japan's reservation, as  
 21 giving Japan the right to maintain her troops in Man-  
 22 churia, and as having made her army responsible for  
 23 the suppression of banditry.<sup>e</sup>

25 D-43. a. Ex. 54, T. 1693 c. Ex. 57, T. 1703-4; T. 2252  
 b. Ex. 57, T. 1696-8 d. Ex. 57, T. 2252  
 e. Ex. 57, T. 2253.

Upon this construction Japan proceeded to complete the military conquest of Manchuria.

D-44. In his interrogations by the prosecution, the accused ARAKI admitted the role that he and the other government officials played in this scheme. He stated that up until the time he became War Minister, there had been no fixed policy and it was realized that the absence of policy would result in the spreading of hostilities.<sup>a.</sup> Soon after he became War Minister, ARAKI decided that the four provinces under Chang Hsueh-Liang should be pacified and occupied.<sup>b.</sup> He made up his plan and obtained the approval of the Premier and Foreign and Finance Ministers.<sup>c.</sup> Cabinet approval was then obtained either in full meeting or by individual consent.<sup>d.</sup> Since the Diet was not then in session, and since the plan required an increase of expenditures of 30 to 50 million yen,<sup>e.</sup> the matter was submitted to the Privy Council,<sup>f.</sup> and unanimously approved<sup>g.</sup> by December 20.<sup>h.</sup> The primary matter passed on by the Council was the matter of the expenditure, but as ARAKI himself points out, the policy itself was discussed because unless it was supported there could have been no appropriation.<sup>i.</sup>

D-44. a. Ex. 188-C, T. 2221. e. Ex. 3162, T. 28306-7.  
 b. Ex. 188-A, T. 2216-7. f. Ex. 188-C, T. 2222-3.  
 c. Ex. 188-B, T. 2218-9. g. Ex. 188-C, T. 2234.  
 d. Ex. 188-C, T. 2222; 2233. h. Ex. 3162, T. 28307.  
 i. Ex. 188-C, T. 2233.



1 The only question that was raised was whether there  
2 should be included in this program three or four  
3 provinces, since Manchuria from ancient times had  
4 only three provinces.<sup>j.</sup> It was finally decided to  
5 include four to keep Chang Hsueh-Liang from retreat-  
6 ing to Jehol and operating from there.<sup>k.</sup>

7 D-45. In his own testimony, ARAKI attacked  
8 the accuracy of his interrogations on the ground that  
9 he was misinterpreted by incompetent interpreters.<sup>a.</sup>  
10 However, when confronted by three of the interpreters  
11 who interpreted at most of the interrogations complained  
12 of, he could not identify them as the incompetent ones.<sup>b.</sup>  
13 In light of this fact and in light of the further  
14 fact that no other accused who were interpreted by  
15 the same interpreters as were used in ARAKI's case  
16 have made any complaint of misinterpretation, the infer-  
17 ence is clear that in his interrogations ARAKI said  
18 a little more than he, after reflection, thought wise  
19 to say. When his complaint was finally resolved to  
20 its component elements, it was found that it could be  
21 reduced to whether ARAKI used in the course of the  
22 interrogations the word "occupation," based on the fact  
23 that he allegedly conceived of that term in a very  
24 narrow, technical sense. Yet ARAKI took no objection  
25

D-45. a. Ex. 3161, T. 28221-7. D-44. j. Ex. 188-D, T. 2237-8  
b. T. 28293-300. k. Ex. 188-C, T. 2235.

to the interpretation with respect to Exhibits 2220-21,  
 1 where he again in his interrogation used the phrase  
 2 "occupying the four provinces." <sup>c.</sup> An examination of  
 3 Exhibit 3162, admittedly written by ARAKI, <sup>d.</sup> shows that  
 4 it tells substantially the same story as was told in  
 5 the interrogations, <sup>e.</sup> except that the word "occupa-  
 6 tion" is not used. The statement says that the aim  
 7 was to restore public peace and admits that the oppon-  
 8 ents were the four chiefs of the Four Eastern Provinces  
 9 and that the area was the four provinces under Chang's  
 10 control. <sup>f.</sup> As a matter of fact, this complaint by  
 11 ARAKI is pointless and immaterial, because, pursuant  
 12 to his plan, the area of Japanese military operations  
 13 continually widened until, in a little more than a  
 14 year after the plan was adopted, it had spread all  
 15 over Manchuria and Jehol, and because pursuant to his  
 16 plan and other plans participated in by him, the Kwan-  
 17 tung Army completely dominated, controlled and governed  
 18 Manchuria as a satrapy of Japan.

20 D-46. Immediately after the Privy Council  
 21 approved the plan, according to ARAKI, the government  
 22 decid. to send troops to Fengtien Province and an  
 23 order was delivered to the General Staff which took  
 24 steps to send the troops. <sup>e.</sup>

25 D-45. c. Exs. 2220-21; T. 15843. D-46. a. Ex. 188-E, T. 2240.  
 d. T. 28239.  
 e. Ex. 3162, T. 28305-8  
 f. Ex. 3162; T. 28307.



1 On December 27 Imperial Sanction for moving a brigade  
2 from Korea was obtained, <sup>b.</sup> and on the 28th it was sent. <sup>c.</sup>  
3 The Lytton Commission found that beginning with  
4 December 23 there was a concentrated attack on Chin-  
5 chow, culminating in its occupation on January 3,  
6 1932, and that the Japanese continued to the Great Wall.  
7 The Japanese then turned toward Harbin, occupying it  
8 on February 5, 1932. In March a division left Harbin  
9 to suppress anti-Kirin troops and advanced as far as  
10 Sanhsing. Early in May the 14th Japanese Division  
11 arrived. <sup>d.</sup> The pretense that these military movements  
12 were to preserve peace and order was abandoned in the  
13 Kwantung Army as defense witness KATAKURA, one of HONJO's  
14 staff, admitted that after December their purpose was  
15 to check the retreating Ting-Chao forces. <sup>e.</sup>

16 D-47. While the Kwantung Army was in the process  
17 of expanding its military operations in Manchuria, a  
18 series of events took place which threatened to expand  
19 immediately the scope of the conspiracy beyond the  
20 area of the first stage, at a time when the main conspira-  
21 tors were not yet ready to proceed. This series of

22 D-46. b. Ex. 57, T. 2256.  
23 c. Ex. 3161, T. 28134.  
24 d. Ex. 57, T. 2256-60  
e. T. 18996.

25

1 events has been often referred to as the First Shanghai  
2 Incident. Throughout the period the situation be-  
3 tween the Chinese and Japanese had become worse. Anti-  
4 Chinese riots, the League of Nations found, had  
5 occurred in Korea and had led to a boycott of Japanese  
6 goods by the Chinese. With the occupation of Manchuria,  
7 the boycott was intensified. The mounting tension  
8 led to incidents and the Japanese residents of Shang-  
9 hai asked for troops and warships to put down the  
10 movement. The Japanese Consul General presented five  
11 demands to the Mayor of Shanghai. When on January  
12 21, 1932, the Mayor asserted that it was difficult to  
13 comply with two of the demands, the commander of the  
14 naval forces stated that if the reply was unsatis-  
15 factory, he would take such measures as necessary to  
16 protect Japanese rights. On January 24, the Japanese  
17 naval reinforcements arrived. On the 27th, the Japanese  
18 consul asked for a reply by six o'clock on the 28th.  
19 In the meantime, the Mayor, who was ready to make all  
20 possible concessions to avoid a clash, closed down  
21 the Boycott Association on the night of January 27-28.  
22 In the morning the navy commander announced he intended  
23 to act the next morning if there was no satisfactory  
24 reply.<sup>a.</sup> On the 28th, the Municipal Council of the  
25 D-47. a. Ex. 59, T. 3286-8.



International Settlement declared an emergency from  
 1 4 p. m. that day, and the Defense Committee assigned  
 2 defense sectors to the foreign forces, including the  
 3 Japanese. At 4 p. m., however, the Japanese consul  
 4 announced that a satisfactory reply had been received  
 5 and no action would be taken. At midnight, after  
 6 stating at 11 p. m. his intention to do so, the navy  
 7 commander sent troops to the Chapel sector where they  
 8 came in contact with Chinese troops, which would not  
 9 have had time to withdraw even if they had wanted to  
 10 do so, and the battle began. <sup>b.</sup> In the meantime,  
 11 according to ARAKI's testimony, the navy asked for  
 12 army aid. The government approved, an expedition was  
 13 decided upon, and the army sent first a mixed brigade  
 14 followed by the UEDA Division. These troops arrived  
 15 from February 7 to the middle of the month. Later,  
 16 there were sent further reinforcements of two divi-  
 17 sions, which landed in a surprise landing behind the  
 18 enemy lines on March 1. <sup>c.</sup>

20 D-48. In the meantime, China had once again  
 21 appealed to the League on January 29, 1932. From Febru-  
 22 ary 16 to 29, the League tried various methods of stop-  
 23 ping hostilities. <sup>a.</sup> Finally, on March 4, 1932, the  
 24 League called on both nations to enforce the orders  
 25 D-47. b. Ex. 59, T. 3289-91 D-48. a. Ex. 59, T. 3291-2  
 c. Ex. 3161, T. 28135-38

1 given by military commanders to cease fire, and  
2 recommended that the nations negotiate for a definite  
3 cessation of hostilities and for the regulation of  
4 the withdrawal of Japanese forces. On March 5, 1932,  
5 the United States instructed its military forces to  
6 cooperate. From March 14 to May 5, 1932, the parties  
7 negotiated, with the League Committee of Nineteen be-  
8 ing required to intervene twice. An armistice was  
9 finally signed on May 5, pursuant to which, from May  
10 6 to 31 the Japanese forces withdrew, one division  
11 going to Manchuria.  
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13 D-48. b. Ex. 59, T. 3292-3.  
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1 D-49. While on the surface the Shanghai  
2 Incident may appear as a digression from the main stream  
3 of the story and to have no relation to the events in  
4 Manchuria, it is respectfully submitted that it has a  
5 definite connection with that portion of the conspiracy.  
6 While it is true that from one point of view, because the  
7 truce gave rise to a Japanese claim which became the  
8 focal point for initiating aggression in China proper,  
9 this series of events could be considered as part of the  
10 second phase of the conspiracy, it is also true that  
11 the incident gave rise to an event which was to permit  
12 the conspiracy to be worked out in Manchuria as planned.

13 D-50. On May 5, 1932, the Shanghai Truce was  
14 signed, putting an end, in part through foreign inter-  
15 vention, to what was principally a navy project. On  
16 May 15, 1932, Premier INUKAI was assassinated by naval  
17 officers.<sup>a</sup> According to the testimony of INUKAI, Ken,  
18 the premier's son and confidential secretary, INUKAI  
19 was opposed to the expansion of the Manchurian Incident  
20 and was in favor of having the army withdraw, but had  
21 been unsuccessful in attaining this end.<sup>b</sup> More  
22 important, he was opposed to the recognition of the  
23 puppet state of Manchukuo, regarding it as a violation  
24

25 D-50

a. Ex. 161, T. 1479  
b. Ex 161, T. 1479-80

of China's sovereignty.<sup>c</sup> He had gone so far as to  
 1 send a delegate to Chiang-Kai-Shek in an effort to  
 2 settle the problem of Manchuria, but his message had  
 3 been intercepted by the army.<sup>d</sup> His son had been warned  
 4 that if the Premier continued his antagonistic policy  
 5 to the army, his life would not be safe.<sup>e</sup> However,  
 6 the army was relieved of this delicate task; the navy  
 7 with its own grievance did it for them. As a result  
 8 of the assassination, SAITO became the premier, ARAKI  
 9 remaining War Minister. The effect of this shift will  
 10 be fully brought out in subsequent discussion.

D-51. The military expansion in Manchuria  
 12 continued according to plan. In July and August, the  
 13 Japanese began the invasion of Jehol with two offensives.<sup>a</sup>  
 14 As of September 1932, the Investigating Committee of the  
 15 League could conclude that the Japanese, having made  
 16 their reservation at Geneva, continued to deal with  
 17 the situation in Manchuria according to plan.<sup>b</sup> This  
 18 continued throughout the rest of 1932, and in the  
 19 beginning of 1933, the Battle of Shanhaikwan was begun  
 20 and key points along the Great Wall fell to the Japanese.<sup>c</sup>

D-50

- c. Ex. 161, T. 1480
- d. Ex. 161, T. 1480
- e. Ex. 161, T. 1481

D-51

- a. Ex. 192-A, T. 2269
- b. Ex. 57, T. 2253
- c. Ex. 192-A, T. 2269



1 On February 22, 1933, Japan sent an ultimatum in the  
2 name of Mr. Chukuo demanding that Chinese forces with-  
3 draw from Jehol in twenty-four hours. Fighting began  
4 on February 25, 1933, and the province fell on March 2,  
5 1933.<sup>d</sup> On May 31, 1933, the Tangku Truce, whereby  
6 China agreed to withdraw south and west of a certain  
7 line and to give Japan the right to ascertain that this  
8 withdrawal was carried out by the use of planes and  
9 other means of observation, was signed. The Japanese  
10 agreed not to cross the line and to withdraw to the  
11 Great Wall line.<sup>e</sup>

12 D-52. By May 31, 1933, the military conquest  
13 of all Manchuria and Jehol had been completed. In  
14 connection with this military program, the accused have  
15 raised two defenses. First, they contend that in the  
16 early phases of the military movements they were acting  
17 in self-defense to protect Japanese lives and property  
18 and to suppress banditry. However, in relation to the  
19 question of the suppression of banditry, the Lytton  
20 Commission found that the suppression of banditry was  
21 only a pretext for proceeding with military action  
22 according to plan. Furthermore, it should be noted  
23

24 D-51

25 d. Ex. 192-A, T. 2270  
e. Ex. 193, T. 2272-4.

1 with respect to this plea of self-defense, that despite  
2 the Japanese claim of the great inferiority of their  
3 troops, both in training and in number, particularly  
4 the latter, the Chinese constantly retreated in accord-  
5 ance with their policy of non-resistance, and city  
6 after city fell without major battle. This can only  
7 mean that the Kwantung Army met no resistance and took  
8 advantage of any sporadic act to increase the area of  
9 military operation. In addition, this whole defense is  
10 based upon an assumption that the Japanese forces were  
11 woefully inferior to those of the Chinese, an assumption  
12 which the defense itself has proved to be false. Accord-  
13 ing to their own evidence, the Japanese regular army  
14 troops in Manchuria had increased from 10,590 on  
15 September 18, 1931 to 22,400 in the latter part of  
16 April. In addition, there were 85,000 in the so-called  
17 "Manchu"uo Army", an army made up of former Chinese  
18 regular troops and new recruits, and created with the  
19 aid of the Japanese army and advised by regular or  
20 retired Japanese officers. Also, there were 119,000  
21 local police which were reorganized with Japanese help.<sup>a</sup>  
22 Second, with respect to the later operations, the  
23 accused maintain that the Kwantung Army at that time

24 D-52

25 a. Ex. 2414, T. 19533-4



1 was not acting as a Japanese Army but, pursuant to the  
2 protocol with Manchukuo, was defending Manchukuo, an  
3 independent nation. This defense could be valid only  
4 if it were found that Manchukuo was an independent  
5 nation. Such a finding is wholly impossible in light  
6 of the evidence which will be considered next.

7 The reading will be continued by Judge Nyi,  
8 your Honor.

9 (Reading continued by Judge Nyi):

10 C. JAPANESE DOMINATION OF MANCHURIA.

11 1. POLITICAL.

12 D-53. Almost simultaneously with the beginning  
13 of military operations and continuing throughout the  
14 first half year, there took place a series of highly  
15 significant political events within Manchuria. In  
16 Mukden the Kwantung Army took over, with DOIHARA as  
17 mayor, and normal civil administration was reestablished  
18 under the control of a number of Japanese. On October  
19 20, 1931, Chinese officials took over the government.<sup>a</sup>  
20 In Liaoning Province, General Tsang Shih-yi was asked  
21 to form the government on September 20, and on his  
22 refusal, Yuan Chin-kai, together with eight other  
23 Chinese, formed a committee for maintenance of peace  
24

25 D-53

a. Ex. 57, T. 2754, T. 33603

and order on September 24.<sup>b</sup> On October 21, the  
 1 committee changed its name to "Liaoning Provincial  
 2 Self-Government Office", and on November 7 it became  
 3 the "Liaoning Provincial Government ad interim" and  
 4 severed relations with the former Northeastern and  
 5 Central governments.<sup>c</sup> On November 20, the name of  
 6 the province was changed to Fengtien, and on December  
 7 15, General Tsang replaced Yuan as governor.<sup>d</sup> In Kirin,  
 8 on September 30, a new provincial government was  
 9 established under General Hsi-Hsia.<sup>e</sup> On September  
 10 27, General Chang Ching-hui formed an emergency committee  
 11 for the special district at Harbin.<sup>f</sup> In Heilungkiang  
 12 there was established after November 19 a Self-Govern-  
 13 ment Association which invited General Chang of the  
 14 Harbin Special District to act as Governor, a position  
 15 which he accepted early in January, 1932.<sup>g</sup> General Ma  
 16 became Governor of Heilungkiang in February.<sup>h</sup>

18 D-54. On February 16 and 17, a meeting for the  
 19 founding of the new state was held at Mukden, and on  
 20 the latter day, an administrative council was established  
 21

22 D-53

- 23 b. Ex. 57, T. 2755  
 24 c. Ex. 57, T. 2756-7  
 25 d. Ex. 57, T. 2758  
 e. Ex. 57, T. 2759  
 f. Ex. 57, T. 2760  
 g. Ex. 57, T. 2761  
 h. Ex. 57, T. 2761



1 with General Chang as chairman and the governors of the  
 2 four provinces and the two Mongol princes as members.<sup>a</sup>  
 3 They decided to become a republic under a regent as  
 4 chief executive and to issue a declaration of independ-  
 5 ence.<sup>b</sup> On February 18, they issued the declaration,  
 6 and on the 19th they decided to ask Pu-Yi to become  
 7 the Chief executive.<sup>c</sup> On February 29, an All-Manchurian  
 8 convention was held at Mukden and a resolution adopted  
 9 welcoming the new state and designating Pu-Yi as  
 10 provisional president.<sup>d</sup> On March 9, Pu-Yi was  
 11 inaugurated, and on March 12 notice was given to  
 12 foreign powers of the establishment of Manchukuo.<sup>e</sup>

13 D-55. This series of events was not a natural  
 14 phenomenon. Each and every one of them was an integral  
 15 part of the conspiracy to obtain control of Manchuria.  
 16 The conspirators were placed in a dilemma. Since  
 17 ostensibly the military operations were being carried  
 18 out to maintain law and order, once law and order were  
 19 restored, there would no longer be any reason for keeping  
 20 Japanese troops in Manchuria or for interfering in any  
 21 manner. This did not suit the conspirators' purpose.

22 D-54

- 23 a. Ex. 57, T. 2765-7  
 24 b. Ex. 57, T. 2767  
 25 c. Ex. 57, T. 2767-8  
 d. Ex. 57, T. 2774-5  
 e. Ex. 57, T. 2775-6

1 Japan could not openly make Manchuria part of her  
2 Empire because she stood committed by treaty not  
3 to infringe on the sovereignty of China. The only  
4 alternative was to have the separation from China  
5 appear as a spontaneous independence movement on the  
6 part of the Manchurians and, at the same time, to link  
7 the new "independent" government inextricably to Japan  
8 so that Japan might dominate and control it completely  
9 for her own ends and purposes.



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D-56. The independence movement had to be  
 1 created out of whole cloth. The Lytton Commission,  
 2 which made a thorough investigation almost contemp-  
 3 oraneously with the events and whose findings were  
 4 endorsed by the entire League of Nations, found that  
 5 the independence movement had never been heard of  
 6 before and that it was not a spontaneous movement. <sup>a.</sup>  
 7 Defense witness H. TA, who commanded the 29th In-  
 8 fantry in Liaoning Province from April 1931 to August  
 9 1932, an excellent position from which to gain first-  
 10 hand knowledge, volunteered during cross-examination  
 11 that he was not aware or informed of any movement for  
 12 independence. <sup>b.</sup>  
 13 MORISHIMA stated that even though  
 14 there might have been one or two exceptions there was  
 15 no spontaneous movement from the people.

D-57. To bring about independence, the con-  
 16 spirators had to obtain control of the leaders and  
 17 also to obtain ostensible support of the people. The  
 18 methods used in obtaining control of the leaders were  
 19 pressure and bribery. The Lytton Commission found  
 20 that in Liaoning Province, when General Tsang refused  
 21 on September 20 to head a new provisional government  
 22 independent of China, he was arrested and kept  
 23

D-56

a. Ex. 57, T. 2779  
 b. T. 19,298-9

c. T. 3118

confined until December 15,<sup>a.</sup> at which time he became  
 Governor of Fengtien Province.<sup>b.</sup> In his new govern-  
 ment, practically all important officials were Japan-  
 ese.<sup>c.</sup> In Kirin, the new government was established  
 only after General Tanon had interviewed General  
 Hsi-Hsia and invited him to assume the chairmanship  
 of the government.<sup>d.</sup> This government also had Japan-  
 ese officials.<sup>e.</sup> In Harbin, when General Chang, the  
 designated Governor of Heilungkiang, friendly to the  
 Japanese, was placed under restraint by General  
 Tsang, he was released when the Japanese took Harbin.  
 Japanese influence in that region increased.<sup>f.</sup> In  
 Heilungkiang, General Ma at first opposed the Japan-  
 ese but subsequently, in February, came to terms with  
 them.<sup>g.</sup> Defense witness KATAKURA stated that after  
 Ma was defeated at Hailun, he was interviewed by  
 ITAGAKI and persuaded by the latter's statement of  
 Japan's intentions to accept the position of governor.<sup>h.</sup>  
 KATAKURA, who strongly maintained the theory of the  
 spontaneity of the independence movement, admitted  
 that ITAGAKI's assurances to Ma and others might be  
 said to have served as a suggestion for the independ-

D-57

a. Ex. 57, T. 2755  
 b. Ex. 57, T. 2758.  
 c. Ex. 57, T. 2758  
 d. Ex. 57, T. 2758

e. Ex. 57, T. 2759  
 f. Ex. 57, T. 2760-1  
 g. Ex. 57, T. 2761  
 h. T. 18,950.



ence movement and as an indirect stimulus for it.

1 Prosecution witness Powell saw a long circular tele-  
2 gram sent by Ma to Chiang Kai-shek in which Ma stated  
3 that in accepting office with the puppet government  
4 he had received a million dollars in gold from  
5 Japanese military sources after continuous discussions  
6 with the accused DOHARA.<sup>j.</sup>

7 D-58. Obtaining control of the leaders  
8 alone was insufficient for the purposes of the con-  
9 spirators. The movement had to be made to appear as  
10 a wholly spontaneous popular movement. This was done  
11 through the Self-Government Guiding Board. The Lyt-  
12 ton Commission found that this agency was the chief  
13 one in bringing about independence.<sup>a.</sup> Although it  
14 had a Chinese chief, it was organized and largely  
15 officered by Japanese and functioned as an organ of  
16 the Kwantung Army with the main purpose of fostering  
17 independence.<sup>b.</sup> MORISHIMA concurred in this finding.<sup>c.</sup>  
18 On January 7, 1932, this organization issued 50,000  
19 copies of a proclamation for an independent Man-  
20 churia.<sup>d.</sup> The defense witness ISHIHARA, while  
21 attempting in the course of his testimony to belittle  
22 the role played by ITAGAKI, admitted that he had

24 D-57

1. T. 19081-2  
j. T. 3233

D-58

a. Ex. 57, T. 2763  
b. Ex. 57, T. 2764  
c. Ex. 245, T. 3023-4  
d. Ex. 57, T. 2764-71; Ex. 221,  
T. 2794

1 stated previously to the prosecution that NAKANO and  
2 KASAGI had planned and studied this organization  
3 prior to the incident and had organized as early as  
4 1928 various groups comprised mostly of Japanese, which  
5 groups were amalgamated after the incident to form the  
6 Board; that the Board was organized in September or  
7 October 1931 by NAKANO and KASAGI, that it came under  
8 the command of the Kwantung Army with ITAGAKI as its  
9 political advisor, and that everything it did had to  
10 be sanctioned by that army.<sup>e.</sup> KASAGI himself testi-  
11 fied that immediately after the incident NAKANO was  
12 ordered by the Kwantung Army to join the Board and  
13 to foster, coordinate and direct the activities of  
14 groups urging independence.<sup>f.</sup> In October, KASAGI was  
15 called to Dairen and made chief liaison man for the  
16 Board at Mukden. He stated that while the Board had  
17 as its chief a Chinese, only about 15 of the 120  
18 members were Chinese. Money for the organization he  
19 believed came from the Kwantung Army, since they  
20 closely cooperated and had to approve all policies  
21 and activities. ITAGAKI was in charge of activities  
22 and policies of the Board; ISHIHARA was in charge of  
23 special services or espionage. Much information on  
24

25 D-58

e. T. 22,250-2

f. Ex. 221, T. 2791



friendly Chinese was g<sup>1</sup> through DOHARA's office.<sup>5.</sup>

1 D-59. The Board operated through local  
2 self-government boards in the various districts, and  
3 there were two or three representatives, mostly Japan-  
4 ese, from the central organ in each district.<sup>a.</sup> Immed-  
5 iately after the declaration of independence, the  
6 Guiding Board took a leading role in organiza-  
7 tional support.<sup>b.</sup> It formed societies and organized  
8 branches to hasten the movement.<sup>c.</sup> From February 20,  
9 it issued a great deal of literature, held meetings  
10 of prominent persons and mass meetings and parades  
11 at which resolutions for independence were passed.<sup>d.</sup>  
12 The Japanese fired artillery guns, flew planes, and  
13 dropped leaflets.<sup>e.</sup>

15 D-60. Exhibit 2296-A, introduced in ITAGAKI's  
16 behalf,<sup>a.</sup> has given us a most interesting example of  
17 the forced character of the alleged spontaneity of  
18 the independence movement.<sup>b.</sup> This is a report of a  
19 meeting held in Mukden on January 11, 1932. With the  
20 exception of six Chinese, the other 17 participants  
21 were all Japanese from the army, navy, consulate,

22 D-58

23 g. Ex. 221, T. 2791-4

D-59

c. Ex. 57, T. 2769  
d. Ex. 57, T. 2769-70  
e. Ex. 57, T. 2773

24 D-59

a. Ex. 57, T. 2764;  
Ex. 221, T. 2791-2  
b. Ex. 57, T. 2769

D-60

a. T. 30,063

Kwantung Government and the Railway.<sup>b.</sup> The chairman  
 was Japanese,<sup>c.</sup> and the meeting was opened with the  
 reading of a message from Ambassador YOSHIKAWA which  
 impliedly invited independence.<sup>d.</sup> Every single idea  
 at the meeting was introduced by a Japanese and  
 acquiesced in by the Chinese. The idea of a new  
 regime was proposed by a Japanese and half-heartedly  
 concurred in by Yu Chung-Han.<sup>e.</sup>

D-61. More independence of Manchuria from  
 China was insufficient. The new government had to  
 be sufficiently centralized so as to make its control  
 and domination relatively easy. Due to inter war-  
 lord feuds, there was no one strong enough among the  
 Manchurian leaders to control the situation satis-  
 factorily. However, there was one person who by  
 history and tradition commanded the allegiance of all  
 Manchurians. This was Hsiao Pu-Yi, former Emperor  
 of China, last of the Manchu line of Emperors. If he  
 could be persuaded or forced to head the new govern-  
 ment, he would serve as the focal point for arousing  
 enthusiasm for the independence movement and would  
 furnish through the common loyalty of all to him, a  
 central government easily controlled and which the

D-60

b. T. 30,063-5  
 c. T. 30,066

d. T. 30,065  
 e. T. 30,067



Japanese need not fear would disintegrate because of  
1 internecine feuds.

2 D-62. The task of bringing Henry Pu-Yi to  
3 Manchuria and making him head of the government was  
4 undertaken by the Kwantung Army. In October, DOHI-  
5 HARA was sent by HONJO to Tientsin for the purpose  
6 of convincing Pu-Yi to come to Manchuria. DOHIHARA,  
7 in his interrogation, admitted that in October, while  
8 still Mayor of Mukden, he was sent by HONJO to con-  
9 tact Pu-Yi. While the order was issued by HONJO, the  
10 details of the meeting and transportation and expenses  
11 were arranged by ITAGAKI. His instructions were to  
12 convey to Pu-Yi the information that if he should re-  
13 turn to Manchuria, the Kwantung Army would welcome  
14 him. DOHIHARA admitted that he felt that the Kwan-  
15 tung Army must have had the idea that they wanted  
16 Pu-Yi as head of the new puppet government and also  
17 knew that Pu-Yi would understand what was meant by  
18 the welcome. DOHIHARA also stated that he was told  
19 by ITAGAKI not to use force in getting Pu-Yi to re-  
20 turn, a device which DOHIHARA might well use since  
21 it was his motto to see that whatever order he re-  
22 ceived, its purpose was accomplished.<sup>a.</sup> The statement  
23 that DOHIHARA was sent to see Pu-Yi was confirmed by  
24  
25 D-62 a. Ex. 2190-A, T. 15,726-9.

defense witness KATAKURA<sup>b.</sup> and the accused MINAMI.<sup>c.</sup>

1 Pu-Yi testified that about this time he was annoyed  
2 by a series of threats and terroristic acts, such as  
3 being sent a basket of fruit which contained a bomb.<sup>d.</sup>

4 Later, he learned that this was the work of the Japan-  
5 ese militarists. DOHIHARA was then active in North  
6 China and Pu-Yi was reliably informed that whatever  
7 happened, DOHIHARA was the man pulling the strings  
8 from behind.<sup>e.</sup> Commander KASHII of the garrison

9 forces in Tientsin was then sent to persuade Pu-Yi  
10 to go to Port Arthur. Under KASHII's compulsion he  
11 went.<sup>f.</sup> He was taken to the Tientsin wharf by a

12 Japanese and went to Yinkow, Takukow and Port Arthur  
13 accompanied by three or four Japanese.<sup>g.</sup> Attempts

14 have been made to attack the credibility of Pu-Yi as  
15 a witness because of certain alleged untruths about  
16 his willingness to become the head of a puppet

17 government. While a man may become a puppet, no man  
18 will admit he became one willingly. Furthermore, the  
19 issue of Pu-Yi's willingness or unwillingness to be-  
20 come a puppet is wholly immaterial. The real issue  
21 is: was he or was he not a puppet, willing or  
22  
23

24 D-62

b. T. 18,970-1

e. T. 4124

c. T. 19,906, 19,912-3

f. T. 3955-6

d. T. 3954

g. T. 4130-1



1 unwilling. Moreover, his testimony is amply corrob-  
2 orated by the Japanese themselves. The Foreign  
3 Office was kept fully advised of DOHIHARA's activities  
4 and Pu-Yi's movements. On November 2, 1931, MURAI,  
5 the consul at Shanghai, notified SHIDEHARA of an item  
6 in a newspaper publishing a telegram from Tientsin  
7 that DOHIHARA was there secretly and was planning to  
8 take Pu-Yi to Mukden and that the latter had refused  
9 and was being threatened.<sup>h.</sup> The following day,  
10 KUWASHIMA in Tientsin reported that DOHIHARA had  
11 stated that the present Manchurian Government would  
12 conspire with China and there would be no prospect of  
13 the natural development of events expected by Japan;  
14 that to pretend Japan had nothing to do with Pu-Yi's  
15 abduction, Pu-Yi would have to land at Yinkow; if  
16 Pu-Yi went, it would be possible to make it appear as  
17 a Chinese movement. DOHIHARA was advised by KUWASHIMA  
18 to give up the plan, but he refused and said he would  
19 sound out Pu-Yi and point out that there would be no  
20 future opportunity.<sup>i.</sup> On the same day, DOHIHARA told  
21 the Consulate staff that if the enthronement of Pu-Yi  
22 was needed to save the situation, it would be out-  
23 rageous for the Japanese Government to try and prevent

24 D-62

25 h. Ex. 288, T. 4363

i. Ex. 289, T. 4364-6

1 it. He threatened that the Kwantung Army might  
 2 separate from the government or that an incident might  
 3 take place in Japan. He pointed out his close con-  
 4 nections with HONJO and that the latter had to take  
 5 his influential background into consideration.<sup>j.</sup> On  
 6 the same day, KUWASHIMA again reported that on  
 7 November 2, DOHIMARA had seen Pu-Yi, insisted that  
 8 Pu-Yi arrive in Manchuria by November 16, and  
 9 promised that Japan would recognize him as head of an  
 10 independent state and would conclude a defensive and  
 11 offensive alliance.<sup>k.</sup> On November 4, KUWASHIMA re-  
 12 ported that when Pu-Yi refused to go, he was threat-  
 13 ened by DOHIMARA.<sup>l.</sup> On November 11, Pu-Yi left  
 14 Tientsin and went to Yinkow. Consul ARAKAWA at Yin-  
 15 kow reported that he had learned from the captain of  
 16 the boat that DOHIMARA was head of the escape plan  
 17 and Pu-Yi was brought under armed guard.<sup>m.</sup> On  
 18 November 13, KUWASHIMA, confirming his earlier re-  
 19 port of the 12th,<sup>n.</sup> reported that he had learned  
 20 from an army representative that despite denials the  
 21 army knew all about Pu-Yi's movements and that they  
 22 would protect the consulate by giving out the story  
 23 that Pu-Yi fled and after several days appeared in  
 24

25 D-62

j. Ex. 290, T. 4367-9  
 k. Ex. 291, T. 4373-4

l. Ex. 292, T. 4375-6  
 m. Ex. 294, T. 4379-80  
 n. Ex. 293, T. 4377.



Manchuria.<sup>o.</sup> On the same day, KUWASHIMA asked SHIDE-

HARA to issue a statement along the lines of the

army story.<sup>p.</sup> On the 13th, Consul HAYASHI in Mukden

reported that, according to HONJO, the army would

have Pu-Yi taken to Tank-Kangtzu by the Kwantung

Government<sup>q.</sup> and kept in light confinement, and on

the same day another consul reported his arrival.<sup>r.</sup>

Later KUWASHIMA reviewed the whole story and reported

to SHIDEHARA that DOHARA had come to entice Pu-Yi

and, despite all warnings that it was against nation-

al policy and deeming it unavoidable from the stand-

point of the Kwantung Army, DOHARA had entered into

all kinds of plots, including the starting of a riot

on November 3. On the failure of the riot, he car-

ried out Pu-Yi's passage to Manchuria.<sup>s.</sup>

D-63. Pu-Yi having been brought to Manchuria,

the pretense that his coming had no political connect-

ion was continued. By telegram from the War Minister,

the Kwantung Army was instructed to take into con-

sideration possible international repercussions and

that for the time being the general public should be

led to believe that Pu-Yi would have nothing to do

with politics.<sup>a.</sup> On November 20, Pu-Yi was moved to

D-62 o. Ex. 295, T. 4381-3 r. Ex. 298, T. 4390  
p. Ex. 296, T. 4384-5 s. Ex. 300, T. 4394-7  
q. Ex. 297, T. 4387-8 D-63 a. Ex. 299, T. 4392-3

1 Port A-hur,<sup>b.</sup> and thereafter he was joined by his  
2 wife, whose escape from Tientsin was likewise engin-  
3 eered by the army.<sup>c.</sup>  
4  
5  
6  
7  
8  
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D-63

b. Ex. 302, T. 4400

c. Ex. 303, T. 4401; Ex. 304, T. 4402.



D-64. Pu-Yi was kept out of politics until  
 1 January 29, 1932. On that day on order of HONJO he  
 2 was interviewed by ITAGAKI.<sup>a</sup> According to Pu-Yi,  
 3 ITAGAKI stated he hoped the former would become head  
 4 of the new political regime and told him that Japan  
 5 had no territorial designs on Manchuria and would  
 6 respect its sovereignty.<sup>b</sup> Pu-Yi refused because of  
 7 the demand that Japanese be employed as Manchurian  
 8 officials.<sup>c</sup> Even ITAGAKI goes as far as to state  
 9 that he was not sure whether after this interview,  
 10 Pu-Yi would accept if he was not also made Emperor.<sup>d</sup>  
 11 On February 21, ITAGAKI met with certain advisors of  
 12 Pu-Yi.<sup>e</sup> According to Pu-Yi, he was told by his  
 13 advisors that ITAGAKI had told them that if he,  
 14 Pu-Yi, did not accede, the Kwantung Army would take  
 15 drastic action and his life would be in danger.<sup>f</sup>  
 16 ITAGAKI gave a different version of the story. He  
 17 denied using any coercion and stated that the advisors  
 18 were sent by Pu-Yi, and that following this meeting,  
 19 on February 22, he, ITAGAKI, met with Pu-Yi and  
 20 explained the situation, after which Pu-Yi approved.<sup>g</sup>  
 21 It is of absolutely no importance in this proceeding  
 22  
 23

24 D-64.

25 a. Ex. 3316, T. 30280.

b. T. 3959-60.

c. T. 3962.

d. Ex. 3316, T. 30281.

e. Ex. 3316, T. 30283.

f. T. 3964-7.

g. Ex. 3316, T. 30283-4.

which of the two versions is accepted. In any event,  
1 it is clear that Pu-Yi, who was then in Japanese hands,  
2 was at least persuaded, if not forced, to accept the  
3 regency of Manchuria by ITAGAKI.

4 D-65. It is respectfully submitted that all  
5 of the additional evidence heard by this Tribunal  
6 fully supports the finding of the League of Nations,  
7 a finding which in itself is entitled to the greatest  
8 evidentiary weight. The League found that a group of  
9 Japanese, civil and military, conceived, organized and  
10 carried through the Manchurian independence movement  
11 as a solution to the situation in Manchuria; that  
12 this movement received assistance and direction from  
13 the Japanese General Staff and could have been carried  
14 through only because of the presence of Japanese  
15 troops.<sup>a</sup>

17 D-66. While the Kwantung Army was proceeding  
18 to set up the Manchurian Government, Tokyo was taking  
19 steps to carry out the plan. At first, the authorities  
20 in Tokyo were opposed to the establishment of an inde-  
21 pendent Manchuria. On September 21, the Cabinet  
22 decided that no military administration would be set  
23 up.<sup>a</sup> HONJO had already appointed DOHIHARA mayor of  
24

25 D-65.  
a. Ex. 57, T. 2882-3.

D-66.  
a. T. 19878.



Mukden and he did not immediately comply with this order.<sup>b</sup> When he did comply after a month or two, he did so, it is submitted, principally because, as pointed out above, a military administration would have been ruinous to the entire project. On September 26, the Cabinet decided to prohibit Japanese participation in establishing the new government, and orders were sent to the consulates and the Kwantung Army.<sup>c</sup> At first, HONJO complied with this order, but his attitude gradually changed.<sup>d</sup> This is evident from his actions in sending DOHIHARA to Tientsin. HONJO now decided to have more active support from the central authorities. He reported his views both in November and January.<sup>e</sup> On January 4, 1932, ITAGAKI was sent to Tokyo.<sup>f</sup> According to KIDO's diary, in an audience before the Emperor, ITAGAKI hinted that Manchuria would be placed under a new ruler, that the Japanese Army would take care of its national defense, and that Japanese would become high government officials.<sup>g</sup>

D-67. Following ITAGAKI's visit, there was a marked change in the Japanese government policy, and D-66.

- b. Ex. 2194, T. 15737-8; T. 19879.
- c. Ex. 2435, T. 19783.
- d. T. 19013.
- e. T. 19080.
- f. Ex. 3316, T. 30278.
- g. Ex. 2191, T. 15731-2.

1 the Cabinet took for itself the power to regulate the  
2 business of Manchuria. While it was not, because of  
3 international reasons, yet ready to accord formal  
4 recognition to the new state, elaborate preparations  
5 were made. According to ARAKI, in February or March  
6 1932, following a report from HONJO that it was advis-  
7 able to set up Pu-Yi as head of the Manchukuo govern-  
8 ment, the Cabinet established an administrative  
9 committee to create the independent state of Manchu-  
10 kuo.<sup>a</sup> The policy adopted was that Japan should render  
11 all aid in a proper way, and instead of recognizing  
12 Manchukuo for the time being, it should have Manchukuo  
13 fulfill the conditions for an independent state  
14 gradually, and should try to have Manchukuo recognized  
15 internationally.<sup>b</sup> It provided that Japan, with  
16 respect to real power on foreign and home affairs,  
17 should permit the new state to appoint a small number  
18 of Japanese officials and thereafter gradually in-  
19 crease them. When Japan decided its policies, the  
20 officials in Manchuria would be notified and required  
21 to use their best efforts to lead the new state.<sup>c</sup>  
22 Alternative plans for seizing the customs were  
23 advanced.<sup>d</sup> They were to avoid appointing too many  
24

25 D-67.

a. Ex. 137-I, T. 2784.

b. Ex. 222, T. 2817-8.

c. Ex. 222, T. 2819.

d. Ex. 222, T. 2819-20.



1 Japanese officials lest it stimulate a claim that  
2 the new state was a Japanese protectorate, and for  
3 the time being Japan's control would be carried out  
4 through military power.<sup>e</sup> On April 11, 1932, the  
5 Cabinet decided that Manchukuo should employ author-  
6 itative persons from Tokyo as the highest advisors  
7 on economic and political problems, and should appoint  
8 competent Japanese nationals to leading posts in the  
9 Privy Council, the central bank, and other organs.  
10 It also decided that real power of management of  
11 transportation should be held by Japan for purposes  
12 of national defense and the economic requirements of  
13 Japan and the new state.<sup>f</sup> On May 3, 1932, the Cabinet  
14 decided that Manchuria might buy a railroad and fixed  
15 the terms and manner of payment.<sup>g</sup>

16 D-68. In May, the INUKAI Cabinet was succeeded  
17 by the SAITO Cabinet. This cabinet was definitely  
18 committed to the recognition of Manchukuo. However,  
19 at first it was not yet ready to openly recognize it.  
20 When on June 4, 1932, the Chief of Staff of the  
21 Kwantung Army pointed out the necessity of seizing  
22 the customs houses to obtain revenue for the new  
23

24 D-67.

25 e. Ex. 222, T. 2822.

f. Ex. 223, T. 2825-7.

g. Ex. 224, T. 2827-8.

government and that the whole problem would be easily solved if Japan formally recognized Manchukuo,<sup>a</sup> ARAKI replied on June 10, 1932, that he understood the Chief of Staff's concern but that the time for official recognition had a very delicate bearing on circles at home and abroad, and it would be effected whenever opportunity offered itself.<sup>b</sup> By August, however, the Cabinet was completely ready to recognize Manchukuo and agreed to do so;<sup>c</sup> and on September 15, 1932, formal recognition was given and the Japan-Manchukuo Protocol signed.<sup>d</sup> The protocol contained two clauses, in the first of which Manchukuo guaranteed all Japan's former rights, and in the second of which both agreed that every menace to one was a menace to the other and pledged to jointly defend themselves. For this purpose Japan was to have the right to station troops in Manchukuo.<sup>e</sup> In addition, there were four strictly confidential agreements which Manchukuo confirmed and declared to be binding.<sup>f</sup> By the first exchange of communications Manchukuo entrusted her national defense and maintenance of peace

D-68.

a. Ex. 227, T. 2833-43.

b. Ex. 228, T. 2846.

c. Ex. 229, T. 2899-902.

d. Ex. 3161, T. 28150-1; Ex. 440, T. 5034-5.

e. Ex. 241, T. 2975-6; Ex. 440, T. 5034-5.

f. Ex. 241, T. 2977.



and order to Japan and agreed to bear the cost.

1 Manchukuo also agreed to give, maintain and construct  
2 transportation facilities for the purposes of Japan's  
3 national defense. Manchukuo was to give all assistance  
4 to Japan in connection with the establishments needed  
5 by the Army. Japan was to have the right to appoint  
6 councillors to Manchukuo, and Japanese were to be  
7 appointed as officials in both the central and local  
8 governments. Such officials were to be selected on  
9 the recommendation of the Commander of the Kwantung  
10 Army and their discipline was to be subject to his  
11 consent.<sup>g</sup> The other three agreements were the trans-  
12 portation and airway agreements of August 7, 1932,  
13 and the mining agreement of September 9, 1932.<sup>h</sup> In  
14 connection with the Protocol and the last three  
15 agreements, which were all written in both languages,  
16 all disputes were to be determined by the Japanese  
17 text.<sup>i</sup>

19 D-69. When the Protocol and secret agreements  
20 were being considered by the Privy Council, the coun-  
21 cillors were assured that their approval would not  
22 violate the Nine Power Pact.<sup>a</sup> They were also assured  
23 that the Treaty improved Japan's position with the  
24

D-68.

g. Ex. 241, T. 2978-9.  
h. Ex. 241, T. 2980-1.  
i. Ex. 241, T. 2981.

D-69.

a. Ex. 241, T. 2986.

League and would prove effective in maintaining and  
1 expanding Japan's special rights in Manchukuo and in  
2 elevating Japan from a troublesome international pre-  
3 dicament.<sup>b.</sup> When these predictions failed to come  
4 true and the League branded Japan as a violator, Japan  
5 in March 1933 withdrew from the League.<sup>c.</sup>

6 D-70. As soon as the Protocol had been  
7 signed, the accused KOISO, then Chief of Staff of the  
8 Kwantung Army, was given on November 3, 1932, an  
9 outline for the guiding of Manchukuo. It provided  
10 that nominally Manchukuo was to be a constitutional  
11 Empire but actually an autocracy. Japanese officials  
12 under the inner leadership of the Kwantung Army were  
13 to lead, leaving the Manchukuoans to assume charge  
14 outwardly while Japanese controlled the substance.<sup>a.</sup>  
15 A civil organ over which the Commander of the Kwantung  
16 Army would be the Chief was to be set up to accomplish  
17 Japan's national policy. The commander was to have  
18 control of all Japanese officials. Diplomatically,  
19 while Manchukuo was to adopt a non-interference atti-  
20 tude toward China in principle, she would adopt an  
21 anti-Chinese principle and would have the same attitude  
22 as Japan towards the Soviet and the United States.  
23  
24

25 D-69.

b. Ex. 241, T. 2993.  
c. Ex. 65, T. 2895-6.

D-70.

a. Ex. 230, T. 2903-4.



1 Temporarily, she was to advocate the Open Door and  
2 welcome foreign investment. Japan did not encourage  
3 political ideas among the people. Japanese participa-  
4 tion in government was not to be limited in number,  
5 and Japanese must lead politics through control of  
6 the State Councillors. Japanese participation in  
7 industry was to be welcomed.<sup>b.</sup> In August 1933, a  
8 similar guiding policy was adopted. It emphasized  
9 that Japanese officials must be the nucleus of Manchu-  
10 kuo's affairs. All concrete plans were to receive  
11 Japanese approval, and the most important plans were  
12 to be decided by the Japanese Cabinet.<sup>c.</sup> On December  
13 22, 1933, the Japanese Cabinet decided that Manchukuo  
14 was to become a monarchy and so directed, and stated  
15 that this decision did not mean any change in policy  
16 or spirit in directing Manchukuo or any hindrance to  
17 the execution of national policies.<sup>d.</sup>

18 D-71. To carry out these programs control  
19 was centralized both in Manchuria and Tokyo. In  
20 Manchuria, the Commander of the Kwantung Army became  
21 the Governor of the Leased Territory and Ambassador  
22 to Manchukuo. In 1934, the offices of Commander and  
23

24 D-70.  
25 b. Ex. 230, T. 2905-11.  
c. Ex. 233, T. 2927-32.  
d. Ex. 234, T. 2933-6.

1 Ambassador were combined and the office of Governor  
 2 abolished.<sup>a</sup> Since the holder of these offices came  
 3 under different jurisdictions in Tokyo on different  
 4 aspects of his work, the Manchurian Affairs Board  
 5 was set up under the presidency of the War Minister  
 6 who was thus able to coordinate civil and military  
 7 administration.<sup>b</sup>

8 D-72. Pursuant to these policies, Japan  
 9 exercised complete political domination over Manchu-  
 10 kuo. Even before the policies were fully worked out,  
 11 the Lytton Commission found that although the Premier  
 12 and other Ministers were Chinese, the Japanese exer-  
 13 cised the greatest actual power and controlled the  
 14 Board of General Affairs and the legislative and  
 15 advisory bureaus which in practice constituted the  
 16 Premier's office.<sup>a</sup> It found that main political  
 17 and administrative power rested in the hands of  
 18 Japanese officials and advisors, who were becoming  
 19 more and more constrained to follow the direction of  
 20 Japanese official authority.<sup>b</sup> The control exercised  
 21 after recognition, if anything, was even greater. The  
 22 witness TANAKA, who served in Manchuria under MINAMI  
 23

24 D-71.

25 a. Ex. 452-A, T. 5115-6.  
 b. Ex. 451, T. 5113-4;  
 Ex. 452, T. 5115-6.

D-72.

a. Ex. 57, T. 2850.  
 b. Ex. 57, T. 2853.



when the latter was Commander of the Kwantung Army,  
1 Governor of the Leased Territory and Ambassador to  
2 Manchukuo, testified that Manchukuo was not independent.  
3 He stated that it could not be independent, because  
4 under the Joint Defense Pact of 1932 the Kwantung  
5 Army could control internal affairs, and because it  
6 exercised through the General Affairs Department the  
7 political and economic control that Japan desired.<sup>c.</sup>  
8 Important positions were entirely filled by Japanese  
9 and personnel shifts could not be made without Army  
10 approval.<sup>d.</sup> The General Affairs Board controlled the  
11 departments and the Board in turn was controlled by  
12 the Kwantung Army.<sup>e.</sup> The Military Affairs Department  
13 had Japanese officer advisors and was closely linked  
14 to the Kwantung Army.<sup>f.</sup> In his interrogation, MINAMI  
15 admitted that he advised Manchuria on all types of  
16 subjects and his advice was accepted. He said one  
17 might say that his advice was in substance a direc-  
18 tion.<sup>g.</sup> If it is true, as the defense contends, that  
19 the Kwantung Army never ordered anything, it is sub-  
20 mitted that there was no need for it to order, since  
21 the Army's power was so great it needed only to express  
22 its desire to have it carried out.  
23

24 D-72.

25 c. T. 1998.

d. T. 1999.

e. T. 1999.

f. T. 1999-2000.

g. Ex. 2207, T. 15788-89.

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D-72.

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d. T. 1999.

e. T. 1999.

f. T. 1999-2000.

g. Ex. 2207, T. 15788-89.



1. Pu-Yi's private life was closely guarded. Control  
 1 was carried so far that Shintoism was introduced and  
 2 made compulsory in Manchukuo. Under orders of UMLZU  
 3 as Commander of the Kwantung Army, Pu-Yi in 1940 was  
 4 taken to Japan and given two of the three sacred treasures  
 5 On his return, the organic laws were revised to make  
 6 Shintoism compulsory for everyone under penalty of  
 7 confinement.<sup>j.</sup>

8 D-74. The control exercised by Japan went far  
 9 beyond the government itself and extended to control and  
 10 domination of the people and their thought. The agency  
 11 for this part of the task was the Concordia Society  
 12 which was the spiritual successor to the Guiding Board.  
 13 KASAGI testified that upon the installation of the new  
 14 government, the Guiding Board was abolished and he helped  
 15 to establish the Shiseikyoku, a branch of the new govern-  
 16 ment dealing with cultural, spiritual and educational  
 17 development. This was abolished in about three or four  
 18 months, and its work was carried on by the government  
 19 through the Concordia Society.<sup>a.</sup> This Society was formed  
 20 on July 25, 1932,<sup>b.</sup> by a committee of which ITAGAKI was  
 21 a member.<sup>c.</sup> Its purpose was described by defense witness  
 22 MATSUKI as being to stimulate and promote free expression  
 23 of the people's will and to transmit government policy  
 24

25 (D-73. 1. T. 3996-4000. (D-74. a. Ex.221,T.2795.  
 j. T. 4005-17.) b. Ex.2439,T.20179.  
 c. Ex.731A,T.7606.

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1 D-73. The witness Pu-Yi testified at length  
2 as to the puppet nature of his administration and how  
3 completely dominated it was by the Japanese. He was  
4 told nothing about the treaty with Japan, signed while  
5 he was Regent, until the day before signature, and he  
6 ratified it under threat of military force.<sup>a.</sup> He was<sup>b.</sup>  
7 not allowed to speak freely to the Lytton Commission.<sup>c.</sup>  
8 He could appoint neither civil nor military officials.  
9 In 1933, prior to becoming Emperor on March 1, 1934, he  
10 was told by Generals MUTO and HISHIKARI that Japan  
11 planned to have Manchukuo converted into an Empire along  
12 Japanese lines.<sup>d.</sup> The witness was not permitted to  
13 interfere in army or financial affairs.<sup>e.</sup> Practically  
14 all vice-ministers were Japanese and they actually  
15 governed.<sup>f.</sup> All ordinances and laws were the work of  
16 the Director of the General Affairs Board, the Vice-  
17 Ministers and the Chief of the Fourth Section of the  
18 Kwantung Army, who all met as a unit, and the enactments  
19 had to be approved by the Kwantung Army.<sup>g.</sup> Chinese  
20 ministerial approval was only nominal, since all  
21 ordinances had to be first passed by the vice-ministers,<sup>h.</sup>  
22 who could enact minor laws without further approval.  
23

24 (D-73. a. T. 3978. e. T. 3990.  
25 b. T. 3982-6. f. T. 3992-3.  
c. T. 3986-7. g. T. 3993.  
d. T. 3988. h. T. 3994.)



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25 (D-73. i. T. 3996-4000. (D-74. a. Ex.221,T.2795.  
 j. T. 4005-17.) b. Ex.2439,T.20179.  
 c. Ex.731A,T.7606.

1 and intention to the people.<sup>d.</sup> In light of the attitude  
 2 expressed as to the people's role in government in guid-  
 3 ing policies and in view of the fact that the Commander  
 4 of the Kwantung Army was its Supreme Adviser,<sup>e.</sup> the  
 5 Society was in fact an organ of control, similar to the  
 6 subsequent I.R.A.A. in Japan, the peculiar Japanese  
 7 variant of a nazi or fascist party. Its real purpose  
 8 was disclosed by the Society in 1942 as nothing less  
 9 than carrying out the ultimate purpose of Manchukuo to  
 10 subserve Japan in her struggle against the Anglo-Saxon  
 11 World and the Comintern.<sup>f.</sup> The organization worked  
 12 through a series of congresses in the prefectures and  
 13 provinces until it reached the National Combined Con-  
 14 gress.<sup>g.</sup> It was so powerful that, as defense witness  
 15 MATSUKI related, the question arose as to how to harmon-  
 16 ize legally the Society with the legislative Yuan  
 17 required by the organic law of Manchukuo.<sup>h.</sup> The answer  
 18 was simple: the legislative Yuan never came into  
 19 existence.  
 20

21 D-75. In addition to the control of public  
 22 opinion by the Concordia Society, there was rigid con-  
 23 trol of the press. In 1935, the Kwantung Army proposed  
 24 a plan whereby all the press organs would be organized

25 (D-74. d. Ex. 2439, T. 20179. g. Ex. 2439, T. 20180.  
 e. Ex. 731A, T. 7606. h. Ex. 2439, T. 20180.)  
 f. Ex. 731A, T. 7607.



1 into one organization for the purpose, inter alia,  
 2 of facilitating unitary control and execution of prop-  
 3 aganda necessary to accomplish national purposes.  
 4 The association was to decide on propaganda policy and  
 5 control propaganda operations. Expenses of the  
 6 organization were to be borne by the Kwantung Army,  
 7 Manchukuo, and the Railway.

8 D-76. By 1936, Japan had acquired such complete  
 9 control over Manchuria that it felt it could completely  
 10 abolish extra-territoriality. On June 10, 1936, such  
 11 a treaty was signed.<sup>a.</sup> However, it was accompanied  
 12 by a supplementary agreement which had many reservations  
 13 in favor of the Japanese,<sup>b.</sup> which, coupled with the  
 14 control already exercised by Japan, gave the Japanese  
 15 even greater control and a much more privileged position  
 16 than they held before.

17 Mr. Crowe will continue.

18 THE PRESIDENT: Mr. Crowe.

19 MR. CROWE: 2. ECONOMIC DOMINATION.

20 D-77. Along with Japan's acquisition and ex-  
 21 ercise of political power, she also acquired and ex-  
 22 ercised economic domination and control over Manchuria.

23 (D-75. a. Ex. 240, T. 2968.  
 24 b. Ex. 240, T. 2969.  
 25 c. Ex. 240, T. 2970.)  
 (D-76. a. Ex. 237, T. 2944-6.  
 b. Ex. 238, T. 2949-58.)

The dominant idea was to form a single economic unit  
1 of Japan and Manchukuo under Japan's control. As early  
2 as April 11, 1932, immediately after the institution of  
3 the new government, the Japanese Cabinet decided that  
4 in order to solidify the foundation of the state by  
5 establishing a financial and economic policy to enhance  
6 international confidence and to realize a single economic  
7 unit of Japan and Manchukuo, the new state should employ  
8 Japanese as authoritative advisers on economic problems  
9 and should appoint Japanese officials to economic  
10 posts.<sup>a.</sup> The same decision reserved the real power of  
11 management over railroads and other means of transpor-  
12 tation for Japan.<sup>b.</sup> Acknowledging that Japan in November  
13 1931 had decided to have the Japanese Transportation  
14 Company open regular air routes on the pretext of  
15 military need to establish a foundation for acquiring  
16 aviation rights in Manchuria and Mongolia, the SAITO  
17 Cabinet, in August 1932, decided that it was important  
18 that this service become a permanent business organiza-  
19 tion to be managed so as to contribute to the execution  
20 of Japan's aviation policy, to the development of industry  
21 and to the acquisition of aviation rights in China  
22 proper.<sup>c.</sup> The business was to be under the leadership  
23 (D-77. a. Ex. 223, T. 2826.  
24 b. Ex. 223, T. 2826-7.  
25 c. Ex. 225, T. 2831-2.)



and supervision of Japan through a joint Japan-  
1 Manchukuo company in which Japanese would hold sub-  
2 stantial leadership and supervision. <sup>d.</sup> Subsidies  
3 were to be given by the Manchukuo government and the  
4 Railway. <sup>e.</sup> In connection with the signing of the  
5 Protocol, three of the supplementary agreements dealt  
6 with Japanese rights in transportation, aviation and  
7 <sup>f.</sup> mining.  
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(D-77. d. Ex. 225, T. 2832.  
e. Ex. 225, T. 2833.  
f. Ex. 241, T. 2980-1.)

D-78. The fact that these early steps were

not isolated phenomena of grabbing but were part of a  
1 complete plan to dominate Manchuria entirely becomes  
2 established even more strongly when Japan's actions  
3 subsequent to the recognition of Manchukuo are consid-  
4 ered. In the first guiding plan given by the Cabinet  
5 to the Kwantung Army on November 3, 1932, it was stated /  
6 that, economically, co-prosperity and co-existence should  
7 be the basic principle, and that the system was to be  
8 an economic bloc between Japan and Manchuria.<sup>a.</sup> The  
9 idea of a "fit industry for suitable locality" was to  
10 be adopted so that each member of the bloc might coordi-  
11 nate its industries with the other and abolish customs  
12 barriers with the aim of acquiring self-sufficiency and  
13 making an advance toward worldwide industry.<sup>b.</sup> Follow-  
14 ing the adoption of this policy, the Cabinet decided a  
15 policy for Manchurian wire, wireless, telegraph, tele-  
16 phone and broadcasting enterprises.<sup>c.</sup> This company  
17 was to be a joint enterprise under the joint control  
18 of the government and military of both nations, but the  
19 Manchurian military could not inspect or make demands  
20 without previous approval of the Japanese military, and  
21 in case of dispute between the supervising authorities,  
22

23 (D-78. a. Ex. 230, T. 2,907.  
24 b. Ex. 230, T. 2,908.  
25 c. Ex. 231, T. 2,919.)



d.  
the view of the Japanese authorities was to prevail.  
1 In the guiding policy of August 8, 1933, it was pro-  
2 vided that Manchuria's economic aim lay in unification  
3 of Japanese and Manchurian economies so as to securely  
4 establish Japan's expansion of economic powers to the  
5 whole world and at the same time to strengthen Manchuria  
6 economically.<sup>e.</sup> Japan's real aggressive designs cannot  
7 be expressed any better than as stated in this instru-  
8 ment. Japan was to come first, then Manchuria, and it  
9 is not at all clear that even the economic strengthen-  
10 ing of Manchukuo, the secondary consideration, was to  
11 be for the benefit of the Manchukuoans. This document  
12 also stated that certain industries were restricted by  
13 demands of Japan's national defense but others were  
14 to be open to all.<sup>f.</sup> It will be recalled that in this  
15 policy decision all important matters were reserved to  
16 the Japanese Cabinet.

18 D-79. On March 20, 1934, the Cabinet decided  
19 on a Japanese-Manchukuo Economic Administration policy.  
20 The fundamental concept was the securing of a base  
21 for Japan's worldwide economic powers.<sup>a.</sup> Basic indus-  
22 tries were to be restricted by the demands of Japan's  
23 national defense and such enterprises would be operated

24 (D-78. d. Ex. 231, T. 2,920-4. (D-79. a. Ex. 236, T. 2,939  
25 e. Ex. 233, T. 2,930. 2,940.)  
f. Ex. 233, T. 2,930.)

by special companies, which were to hold the dominant position and were to be directly or indirectly under the protection and supervision of Japan.<sup>b.</sup> The industries to be encouraged were, inter alia, light metal, petroleum, liquid fuel, automobile and mining industries.<sup>c.</sup>

D-80. On July 17, 1935, Japan and Manchukuo established a Joint Economic Committee which was to advise the two governments on important matters of economics and on the control and inspection of the business of joint companies.<sup>a.</sup> The committee was to have eight members, four from each country.<sup>b.</sup> The committee was limited in its powers since matters important to the economies of both governments, but within Japan's power, were without the province of the committee, and such matters were to be made into a unilateral contract binding only upon Manchukuo.<sup>c.</sup> It was pointed out in the Privy Council, as a secret matter, that the agreement in fact only bound Manchukuo.<sup>d.</sup> However, even the limited powers reserved to the Committee disturbed one of the councillors because of the equal division of members. His fears were quieted by the accused HIROTA's pointing out that one of the Manchukuoan members, the Chief of the General Affairs Board, was a Japanese whose

(D-79. b. Ex.236, T.2,940, (D-80. a. Ex.851, T.8,434-5.  
c. Ex.236, T.2,941-2.) b. Ex.850, T.8,422.  
c. Ex.850, T.8,424.  
d. Ex.850, T.8,425.



primary duty was to see that there would be no conflict,  
 1 and in case the Manchukuoan members should scheme against  
 2 Japan, the Chief would take proper measures after con-  
 3 sidering the interests of both countries.<sup>e.</sup> In November  
 4 1934, the yen bloc was established and Manchukuo's cur-  
 5 rency was taken off silver and stabilized at par with  
 6 the Japanese yen.<sup>f.</sup>

7 D-81. The purpose of all this control of Man-  
 8 chukuo's economy became clear in 1937 when the plans  
 9 disclosed that its economy was being integrated with  
 10 that of Japan for war purposes. In the Five Year Plan  
 11 of Important War Industries of the War Ministry of May  
 12 29, 1937, it was planned that the requisite industries  
 13 should be pushed to the continent according to the prin-  
 14 ciple of right work in the right place with Japan and  
 15 Manchuria being treated as a single sphere.<sup>a.</sup> In the  
 16 Outline of the Five Year Plan for the Production of War  
 17 Materials of June 23, 1937, the two primary aims of  
 18 which were to perfect war preparations and to realize  
 19 the Major Industries Plan,<sup>b.</sup> it was provided that in the  
 20 Five Year Industrial Plan for Manchukuo guidance would  
 21 be given to the war industries.<sup>c.</sup> Efforts were to be  
 22 made to overcome the factors impeding the speedy

23 (D-80. e. Ex.850, T. 8429-30.(D-81. a. Ex.842, Pt. 1,  
 24 f. T. 8436.) T. 8437.  
 25 b. Ex.841, T. 8261  
 c. Ex.841, T. 8439-  
 8440)

a.  
construction of war industries in Manchukuo.

1 THE PRESIDENT: We will recess for fifteen  
2 minutes.

3 (Whereupon, at 1045, a recess  
4 was taken until 1100, after which the pro-  
5 ceedings were resumed as follows:)  
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21 (D-81. d. Ex. 841, T. 8441.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Crowe.

4 MR. CROWE: D-82. In January 1937, Manchukuo  
5 promulgated a Five-Year Industrial Plan,<sup>a.</sup> a plan  
6 in the drafting of which the accused HOSHINO admitted  
7 playing a large part.<sup>b.</sup> This plan, which provided  
8 for the creation and expansion of every type of in-  
9 dustry, stated that emphasis was to be placed on  
10 opening up Manchukuo's national resources necessary  
11 in time of emergency and that it was the desire to  
12 develop various types of industry to make Manchukuo  
13 self-supporting and to meet Japan's shortages.<sup>c.</sup> Under  
14 the plan, the production of agricultural products  
15 required as military stores was to be increased.<sup>d.</sup> In  
16 May 1937, Manchukuo enacted a law controlling impor-  
17 tant industries in which it required those who desired  
18 to engage in any important industry, including all  
19 those vital to war, to obtain government consent, and  
20 those already in such businesses were required to get  
21 government permission before making any change.<sup>e.</sup> By  
22 May 1937, all important industries were effectively in  
23 the hands of Japan or its dominated puppet government

24 D-82. a. Ex. 466, T. 5071. d. Ex. 446, T. 5072.  
25 b. Ex. 453, T. 5126. e. Ex. 444-A, T. 5048-51.  
c. Ex. 446, T. 5071.

under a plan having war as its principal aim.

1 D-83. However, even the tremendous accumu-  
 2 lation of power was not sufficient for Japan, and on  
 3 October 22, 1937, the first KONOYE Cabinet decided  
 4 to set up one heavy industry company to establish  
 5 and develop heavy industry in Manchukuo. One half of  
 6 the capital was to come from Manchukuo and the other  
 7 half from Japanese private interests, designated as  
 8 the Nissan interests in the decision. The decision  
 9 also provided for Japanese management and designated  
 10 AIKAWA, Giusuke, as manager.<sup>a.</sup> Pursuant to this  
 11 decision, Japan and Manchukuo entered into an eco-  
 12 nomic agreement for the establishment of the Manchurian  
 13 Heavy Industry Development Corporation.<sup>b.</sup> While  
 14 ostensibly a Manchukuo Company, in view of the eco-  
 15 nomic agreement with Japan, it was really a "national  
 16 policy" company of Japan.<sup>c.</sup> The company was to be  
 17 under joint management and its shares could be held  
 18 only by the two governments or their nationals. The  
 19 President and Directors were to be appointed by the  
 20 two governments.<sup>d.</sup>

22 D-84. It must be admitted that Japan's  
 23 economic domination of Manchuria resulted in making

24 D-83-1a. Ex. 239, T. 2963-6 c. Ex. 840; T. 8472.  
 25 b. Ex. 840, T. 8472. d. Ex. 438, T. 5018-20.



1 Manchuria's resources available and in building up  
2 her industry on a large scale, but, at the same time,  
3 it is submitted that every increment of improvement  
4 redounded to the benefit of Japan. There was no  
5 benefit of any nature to the thirty million people  
6 of Manchukuo. Defense witness KATAKURA stated on  
7 direct examination that under the five-year industrial  
8 plan as expanded the benefits did not accrue to  
9 Manchukuo, since the plan was directed toward assist-  
10 ing the prosecution of the China Incident rather  
11 than for Manchukuo's development.<sup>a.</sup> HOSHINO ad-  
12 mitted that in connection with Japan's wars he was  
13 satisfied that Japan had taken everything out of  
14 Manchuria which could be obtained.<sup>b.</sup>

15 D-85. What Japan's domination of Manchuria's  
16 economy and resources really meant to the people of  
17 Manchuria was well depicted for this Tribunal by the  
18 witness Pu-Yi. All industry-fishery, farming,  
19 commerce, electricity -- came into Japanese hands  
20 and no Chinese were allowed to enter such industries  
21 and were forced into bankruptcy.<sup>a.</sup> The Japanese  
22 established sixty-four special companies with capital  
23 running into the billions.<sup>b.</sup>

24 D-84. a. T. 19041. b. Ex. 454-A, T. 5178.  
25 D-85. a. T. 4021. b. T. 4022.

1 D-86. According to exhibit 471, the total  
 2 of Japanese government investment in Manchurian enter-  
 3 prise was ¥1,346,000,000, while private Japanese  
 4 concerns had investments of ¥16,800,000,000.<sup>a.</sup> The  
 5 banks were in the hands of the Japanese and the  
 6 Chinese were not allowed to borrow.<sup>b.</sup> A savings  
 7 law was passed requiring all people to save money  
 8 and the required amount of saving was annually in-  
 9 creased until it reached \$150.00 per person, or a  
 10 total of some \$6,000,000,000.<sup>c.</sup> The Japanese alone  
 11 could borrow from the banks.<sup>d.</sup> To do business, the  
 12 Chinese had to obtain special permits from Japanese.<sup>e.</sup>  
 13 There were many monopolies including opium, iron,  
 14 steel, cotton and rice, all under the control of the  
 15 Board of Monopolies set up by the Commander of the  
 16 Kwantung Army and the Chief of the General Affairs  
 17 Bureau, and thus controlled by the Japanese.<sup>f.</sup> A  
 18 cotton control act was passed and, as a result, the  
 19 Chinese could not get cotton during the winter and  
 20 many froze to death.<sup>g.</sup> The private sale of rice  
 21 among Chinese was prohibited, and the Chinese were  
 22 given only the coarsest grades of rice to eat  
 23

24 D-86. a. Ex. 471, T. 5347. d. T. 4022.  
 b. T. 4022. e. T. 4023.  
 25 c. T. 4032-3. f. T. 4028-31.  
 g. T. 4028.



and those found with white rice were punished.<sup>h.</sup>

1 Six million Japanese immigrants came to Manchuria and  
 2 land was requisitioned for them at a nominal price,  
 3 sometimes no price.<sup>i.</sup> Chinese farmers were moved to  
 4 far off undeveloped lands to make room for Japanese  
 5 immigrants.<sup>j.</sup> A labor and civil service law was put  
 6 into effect when the accused UMEZU commanded the  
 7 Kwantung Army, which required all persons between  
 8 18 and 45 to render labor service to the Japanese  
 9 Army. These same persons were used for opening  
 10 highways and digging mines under the control of the  
 11 Japanese.<sup>k.</sup> Under this law, the Chinese were treated  
 12 badly and were given no medicine and poor quarters.<sup>l.</sup>  
 13 Escaped Chinese were punished severely.<sup>m.</sup> In all  
 14 matters, the Japanese came first, Koreans second,  
 15 and Chinese last.<sup>n.</sup> Even the salaries drawn by vice-  
 16 ministers exceeded those drawn by Chinese ministers.<sup>o.</sup>

### 18 3. OPIUM AND NARCOTICS.

19 D-87. In the economic exploitation of  
 20 Manchuria, the Japanese did not limit their activities  
 21 solely to the ordinary agricultural, commercial, and  
 22 industrial enterprises, but extended their activities  
 23 into fields abhorred by all civilized mankind --

24 D-86. h. T. 4029-30; i. T. 4033; j. T. 4033-5;  
 25 k. T. 4037-8; l. T. 4039; m. T. 4039;  
 n. T. 4039; o. T. 4039.

enterprises which involved the wholesale debauchery  
 1 of the people -- the traffic in opium and narcotics.  
 2 Bound by the International Convention on Opium and  
 3 Narcotics to take effective measures to suppress the  
 4 manufacture, internal traffic, and use of opium, to  
 5 restrain and control opium in the leased territories,  
 6 and to assist China to suppress the narcotics habit  
 7 by preventing smuggling,<sup>a.</sup> the Japanese erected a  
 8 fraudulent structure, apparently, in compliance  
 9 with the treaty but behind and through which they  
 10 carried out their program. Pursuant to the agreement  
 11 of 1925 among Britain, France, Japan, The Netherlands,  
 12 Portugal, and Siam wherein the parties agreed that,  
 13 except as to retail sales, the importation, sale and  
 14 distribution of opium should be a government monopoly  
 15 not to be delegated or leased to any person.<sup>b.</sup> Man-  
 16 chukuo in November 1937, promulgated the Opium Law.<sup>c.</sup>  
 17 The Opium Law followed the principle of gradual  
 18 suppression by licensing known addicts to smoke in  
 19 licensed shops, the approved practice.<sup>d.</sup> To carry  
 20 out the program, Manchukuo established the Opium  
 21 Monopoly Administration under the supervision of the  
 22 Minister of Finance.<sup>e.</sup>

- 23  
 24  
 25 D-87. a. Ex. 17, T. 4665-67; T. 20246;  
 b. Ex. 2446, T. 20246; c. Ex. 2450, T. 20269-71;  
 d. Ex. 2447-A, T. 20252-3; e. Ex. 2462, T. 20309-10.



D-88. From the beginning, it became apparent that the law was being administered for the purpose of increasing the use of opium and narcotics rather than for its suppression. In the period between the Japanese invasion and the promulgation of the law, the narcotic situation had become alarmingly worse in Manchuria. Some of this increase might have been expected in the earlier days due to the confusion of the military situation, but at the same time, after the promulgation and enforcement of the law, it might have been expected that the traffic would have decreased. However, the facts are clear that from the time of the Manchurian Incident onward the use of narcotics in Manchuria increased. In Antung from October 1931 to March 1933, the number of opium shops increased from about 520, of which 500 were Japanese, to 829, of which 684 were Japanese. <sup>a.</sup> Opium dens were opened on all the leading streets and employed young girls as waitresses. <sup>b.</sup> 20,000 of the city's population of 130,000 had become addicts. <sup>c.</sup> In the rural districts, where Chinese volunteers had kept illicit traffic under control, the volunteers were scattered and public smoking introduced. <sup>d.</sup> In four districts

D-88. a. Ex. 374, T. 4675-6; b. Ex. 374, T. 4675;  
c. Ex. 374, T. 4676; d. Ex. 374, T. 4676.

around Antung with a population of 900,000, 80,000 were addicts and consumed annually \$25,000,000 of opium. Prior to the incident, morphine was used on a small scale, but after the incident Japanese and Korean hoodlums openly imported it into Antung with the result that there were in the spring of 1933 15,000 addicts.<sup>f.</sup> In the same four districts mentioned before, there were 60,000 addicts at a cost of \$4,300,000.<sup>g.</sup> Heroin, which had been practically unknown, began to be increasingly handled by opium dens, morphine joints and opium retail shops.<sup>h.</sup> 130,000 people in the four districts were found to have become narcotic addicts.<sup>i.</sup> By December 1934, the number of opium dens in Antung had further increased to 1206, of which 860 were Japanese.<sup>j.</sup> In the same four districts, while the population had increased to 1,000,000 from 900,000, the number of narcotic addicts had increased from 130,000 to 340,000.<sup>h.</sup>

D-89. In other districts the same tremendous increase was apparent. The opening of opium retail shops was advertised daily in the papers.<sup>a.</sup>

These new retailers were all appointed by governmental

D-88. e. Ex. 374, T. 4675-7; f. Ex. 374, T. 4677-8;  
 g. Ex. 374, T. 4680; h. Ex. 374, T. 4680;  
 i. Ex. 374, T. 4681; j. Ex. 374, T. 4695;  
 k. Ex. 374, T. 4697.  
 D-89. a. Ex. 377, T. 4688.



authority.<sup>b.</sup> From September 18, 1931, many opium  
 1 shops were opened in Mukden, and from March 1932, most  
 2 of the Japanese commercial shops were converted into  
 3 opium shops with the result that there were 600 shops  
 4 in Mukden selling opium and narcotics.<sup>c.</sup> Outside  
 5 Mukden, there were 150 shops of which 90% were run by  
 6 Japanese and Koreans.<sup>d.</sup> Each shop had to employ  
 7 Japanese or Korean guards and could hoist the  
 8 Japanese flag.<sup>e.</sup> Most of the dens engaged girl  
 9 waitresses and tripled their business.<sup>f.</sup> There were  
 10 1000 dens in Harbin, each employing girls, 900 in  
 11 Kirin and 500 in Heilunkiang.<sup>g.</sup> All shops were  
 12 registered with the monopoly at a fee of ¥500 per  
 13 shop, and all opium was purchased from the monopoly.<sup>h.</sup>  
 14 In 1934, the Manchukuo Ministry of Interior officially  
 15 reported that 9,000,000 of the 30,000,000 Manchurians  
 16 were habitual opium smokers, and of these 13% were  
 17 below 15 years, 23% below 25 and 33% below 30 years of  
 18 age.<sup>i.</sup>

20 D-90. The figures with respect to the number  
 21 of shops and addicts, coupled with the fact that both  
 22 opium smoking and narcotic taking was made enticing

23 D-89. b. Ex. 377, T. 4688. f. Ex. 377, T. 4691-2.  
 24 c. Ex. 377, T. 4691. g. Ex. 377, T. 4692.  
 25 d. Ex. 377, T. 4691. h. Ex. 377, T. 4693.  
 e. Ex. 377, T. 4691. i. Ex. 377, T. 4690.

1 and alluring by using girl waitresses in opium  
2 shops and by selling narcotics in houses of prosti-  
3 tution, and the fact that such a large proportion of  
4 the addicts were children and youths, make it  
5 reasonably evident that the program followed was not  
6 one of gradual suppression but one deliberately  
7 designed to foster the traffic. That this was the  
8 real situation is further borne out by the fact that  
9 in January 1937, at a Manchukuo provincial governors  
10 conference, it was pointed out that after several years  
11 of the system none of the addicts had stopped, a  
12 large number of the young people had become smokers  
13 and the opium system caused more deaths than unsani-  
14 tary conditions.<sup>a.</sup>

15 D-90. a. Ex. 383, T. 4715-6.  
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D-91. The same critic also indicated the  
 1 key to the problem of the spread of this vice when he  
 2 stressed that some considered opium as a rich source  
 3 of government revenue, and if it were cut off the loss  
 4 could not be made up.<sup>a.</sup> Opium and narcotics were in  
 5 fact one of the principal sources of revenue for Man-  
 6 chukuo, a nation which Japan had created and whose  
 7 every action Japan dictated. As early as June 1932,  
 8 the Chief of Staff of the Kwantung Army had pointed  
 9 out to the Vice-Minister of War that 10,000,000 yuan  
 10 out of Manchukuo's total revenues of 64,000,000 yuan  
 11 were opium monopoly revenues.<sup>b.</sup> These revenues were  
 12 pledged as security for the payment of ¥30,000,000 of  
 13 Japanese currency national founding bonds issued by  
 14 Manchukuo, and underwritten by the Bank of Japan.<sup>c.</sup> The  
 15 accused MINAMI admitted that he believed that the opium  
 16 traffic was one of Manchukuo's principal sources of  
 17 revenue.<sup>d.</sup> Defense witness NAMBA admitted that he had  
 18 said the profits had risen from ¥300,000 in the first  
 19 year to ¥10,000,000 in 1935, to ¥20,000,000 in 1936  
 20 and ¥30,000,000 in 1937.<sup>e.</sup> Even after he reduced the  
 21 figures after an alleged investigation, he admitted that  
 22 the profits in 1937 amounted to ¥20,000,000.<sup>f.</sup> The

(D-91. a. Ex.383, T. 4717-8. d. T. 19976.  
 25 b. Ex.227, T. 2838. e. T. 20348-9.  
 c. Ex.375, T. 4684-5. f. T. 20349-50.)

Manchukuo Budget for 1943 showed on its face that  
 1 opium revenue was ¥110,000,000.<sup>E.</sup> It was not only the  
 2 government that shared in this illicit wealth. The  
 3 accused MINAMI admitted that one of his reasons for  
 4 abolishing the Special Service Department during his  
 5 tenure as Commander of the Kwantung Army might have  
 6 been that he had found that its members were running  
 7 the opium traffic for their own benefit.<sup>h.</sup>

8 D-92. Rather than taking every action to dis-  
 9 courage the traffic, the Japanese, who in addition to  
 10 their responsibility as the real power in Manchuria had  
 11 a recognized responsibility of their own growing out  
 12 of Japan's holding the leased territory,<sup>a.</sup> did everything  
 13 to encourage growth and spread of the traffic. Loans  
 14 were made to farmers who cultivated poppies in amounts  
 15 seven times that given to other farmers and at one-third  
 16 the interest rate.<sup>b.</sup> Having been enticed to grow more  
 17 poppies by favorable loans, the farmers, when forced  
 18 to sell their product exclusively to a Japanese company,  
 19 could not repay the loans and lost their lands to the  
 20 Japanese.<sup>c.</sup> The area of authorized poppy cultivation  
 21 was increased.<sup>d.</sup> In 1937, the authorized area was  
 22 increased from 133,000 to 150,000 acres.<sup>e.</sup> Defense

23 (D-91. g. Ex.2461-A, T.20306-7,  
 24 h. T. 19976.

D-92. a. T. 20335.

b. Ex.378, T. 4699.

L-92. c. Ex.378, T. 4700.

d. Ex.379, T. 4701-2.

e. Ex.383, T. 4713.)



Witness NAMBA admitted that opium poppy seeds were  
 1 distributed freely to cultivators. <sup>f.</sup> While there were  
 2 efforts made to cut out unauthorized growing, it was  
 3 pointed out in the League of Nations Advisory Com-  
 4 mittee that in view of the increased acreage and  
 5 increased sales, this drive was nothing more than an  
 6 effort to destroy competition. <sup>g.</sup>

7 D-93. By 1937, in view of the open criticism  
 8 in Manchukuo and in view of the fact that the League  
 9 of Nations had placed responsibility for illegal nar-  
 10 cotics in the Far East on Japan and Manchukuo, <sup>a.</sup> the  
 11 authorities were compelled, at least ostensibly, to  
 12 take some corrective measures. They professed to carry  
 13 out an anti-opium purge and enacted the Narcotic Law  
 14 of 1937. <sup>b.</sup> An investigator, charged with the duty of  
 15 examining the effects of this purge, found that there  
 16 was not much change in the organization and activities  
 17 of the monopoly except for the enlargement of its  
 18 activities and the increase of its income and concluded  
 19 that the new laws and purge were merely a blind dictated  
 20 by the criticism against the traffic. <sup>c.</sup> While the few  
 21 private Japanese factories which had operated were  
 22 closed in face of the league finding, he pointed out  
 23 (D-92. f. Ex.2462, T. 20323. D-93.b, Ex.2459, T.20301-3.  
 24 f. Ex.383, T. 4713. c.Ex.384, T. 4732-3.)  
 25 D-93. a. Ex.384, T. 4734-5.

that the monopoly had always taken care that there  
 1 should be no private factories, since it would result<sup>c.</sup>  
 2 in a loss of revenue to the government and licensees.  
 3 Furthermore, to those whose factories were closed it  
 4 was semi-officially hinted that they could start again  
 5 in North China.<sup>e.</sup> There were no restrictions on culti-  
 6 vation and use, and both increased in 1937.<sup>f.</sup> In fact,  
 7 in 1937 the poppy crop was 1,800,000 pounds, cultivation  
 8 had increased by 30 to 35% and the cost had increased<sup>g.</sup>  
 9 50%.

10 D-94. The increase in the traffic continued  
 11 despite the purge. In 1939, the United States consul-  
 12 general at Mukden reported that raw opium purchases had  
 13 increased from ¥29,000,000 in 1937 to ¥32,000,000 in  
 14 1938, and sales had increased from ¥47,850,000 to  
 15 ¥71,500,000, and he pointed out that this was incon-  
 16 sistent with any intention to curb the use of narcotics.<sup>a.</sup>  
 17 In 1939, the consul at Mukden reported further increases  
 18 in 1939 of sales to ¥90,908,000 and pointed out that<sup>b.</sup>  
 19 opium was Manchukuo's "money-getter," next to customs.  
 20 He stated that purchases of raw opium in 1940 would be  
 21 ¥43,470,000 and that the net profit was estimated at  
 22

23 (D-93. c. Ex. 384, T. 4733-4.  
 24 e. Ex. 384, T. 4737.  
 f. Ex. 384, T. 4738.  
 25 g. Ex. 384, T. 4739-40.  
 D-94. a. Ex. 384, T. 4746.  
 b. Ex. 387, T. 4750.)



¥56,000,000.<sup>c.</sup>

1 D-95. Not all the opium manufactured in  
2 Manchukuo was used there. Behind the whole picture there  
3 was something much more sinister even than the  
4 debauchery of the Manchurian people. Japan, bound by  
5 treaty not to engage in the narcotic traffic, found  
6 in the alleged independence of Manchukuo a convenient  
7 method of carrying on a world-wide drug traffic, and  
8 made Manchukuo the center of that traffic. In Feb-  
9 ruary 1937, the official government paper in Seoul,  
10 Korea, printed that Korea had shipped 41,355 pounds  
11 of opium to Manchuria and increased shipments would be  
12 made annually. More than 71% of Korea's opium was being  
13 sent to Manchuria. The increase had been decided by  
14 the conference of departmental secretaries in Tokyo,  
15 and as a result Korean production was to be increased.<sup>a.</sup>  
16 In 1938, the Treaty Bureau of the Foreign Office  
17 reported a cabinet decision authorizing the transfer  
18 of raw opium to Manchukuo and an increased poppy  
19 production acreage for Korea.<sup>b.</sup> In 1939, the Treaty  
20 Bureau reported that Korea had sent to Manchukuo  
21 75,000 kilograms of the 80,000 kilograms of opium  
22 produced, and pursuant to a cabinet decision of  
23 (D-94, c. Ex. 387, T. 4750-1.  
24 D-95. a. Ex. 380, T. 4706-8.  
25 b. Ex. 381, T. 4708-10.)

December 12, 1938, the authorized poppy acreage for  
1 Korea had been increased from 17,297 to 29,547 acres. c.  
2 These transfers from an integral part of the Japanese  
3 Empire, admitted in the reports of official government  
4 bodies, completely vitiate any defense which the accused  
5 may have offered on this issue. If they maintain that  
6 Korean opium was needed for use in Manchuria, they  
7 must concede, particularly in view of increased  
8 production in Manchuria, that the use of opium in Man-  
9 churia was increasing and not decreasing in the years  
10 when they claim particularly strenuous efforts were  
11 being made to wipe out the habit. On the other hand,  
12 if they stick to their contention that the use was  
13 decreasing in Manchuria, they must concede that the  
14 transfers from Korea could have had only the one purpose  
15 of being sent to Manchuria for preparation for distri-  
16 bution elsewhere. Furthermore, in addition to Korean  
17 transfers, the Mitsubishi Trading Company imported  
18 into Manchuria in 1939, 3000 cases of opium. d.  
19 In March 1938, this trading company and Mitsui Bussan  
20 through the Foreign Ministry concluded an agreement  
21 to purchase Iranian Opium for Japan, Manchukuo and  
22 China with delivery to be made in 1940 and 1941. e.

24 (D-95. c. Ex. 382, T. 4711.  
25 c. Ex. 382, T. 4861-3.  
e. Ex. 382, T. 4861-3.)



D-96. The opium grown in Manchuria and imported there from Korea and elsewhere was manufactured and distributed throughout the world. In 1937, it was pointed out in the League of Nations that 90 per cent of all illicit drugs in the world were of Japanese origin manufactured in the Japanese concessions in Tientsin, Dairen and other cities of Manchuria, Jehol and other parts of China, always by Japanese or under Japanese supervision.<sup>a.</sup> In 1936, the American Treasury attache reported that drugs sold in North China had formerly come from Suiyuan and Chahar but had not been replaced by drugs imported from Dairen.<sup>b.</sup> In 1939, the attache at Shanghai reported that the only opium to be allowed in Japanese-occupied China would be that from Jehol, Persia, Suiyuan and Manchuria.<sup>c.</sup> The witness SATOMI, who carried out opium operations in China under the Special Service Department of the China Expeditionary Army from 1938 to 1945, testified that until 1940 the opium sold by him was of Persian origin, but after that he sold Manchurian opium.<sup>d.</sup> It is thus evident that all of the opium manufactured in Manchuria was not for use there but was distributed for use in other countries.

(D-96. a. Ex. 383, T. 4729.

d. T. 4884.)

b. Ex. 395, T. 4792.

c. Ex. 421, T. 4872.

D-97. The complete domination of Manchuria --  
1 militarily, politically, economically and socially by  
2 Japan -- continued until the Japanese surrender on  
3 September 2, 1945. However, long before, as soon as  
4 Japanese control was firmly established, the conspira-  
5 tors were ready to move forward with the next step in  
6 furtherance of the conspiracy.

7 My friend, Judge Hsiang, will continue, if  
8 your Honors please.  
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THE PRESIDENT: Judge Hsiang.

1 JUDGE HSIANG: PART II OF THE CONSPIRACY  
2 THE EXPANSION OF CONTROL AND DOMINATION FROM  
3 MANCHURIA TO THE REST OF CHINA

4 A. OBTAINING CONTROL OF NORTH CHINA PRIOR TO  
5 7 JULY 1937

6 E-1. With the signing of the Tangku Truce, the  
7 conspirators had completed the first step in their con-  
8 spiracy and had secured complete military domination of  
9 Manchuria. By that Truce, a demilitarized area was set  
10 up in Northeastern Hopei Province, north and east of the  
11 important cities of Peiping and Tientsin, and the Chinese  
12 Army was withdrawn to the west and south of the demili-  
13 tarized area. It was to this demilitarized zone and its  
14 adjacent areas that the conspirators next turned their  
15 attention in furtherance of their plans for the further  
16 disintegration of China and the destruction of the  
17 Chinese Nationalist Government, an essential prerequisite  
18 for the successful achievement of the aims of the con-  
19 spiracy. The old policy of "divide and conquer" was  
20 adopted as the initial strategy with the purpose and  
21 intent of creating autonomous areas in North China, which  
22 would claim independence from China and would be pro-  
23 Japanese, and which later could be consolidated into one  
24 body.  
25

1. THE ESTABLISHMENT OF THE AUTONOMOUS GOVERN-  
MINTS IN NORTH CHINA

E-2. The demilitarized area and adjacent territory, which together constituted the five northern provinces of China proper, were of the utmost importance strategically, politically and economically. The province of Chahar completely bordered Jehol which had been incorporated into Manchukuo, on the west, while Hopei bordered it on the south.<sup>a.</sup> The five provinces extended over some 600,000 square miles of territory and had a population of 170,000,000 Chinese.<sup>b.</sup> During the year following the Tangku Truce, this area, according to Goette, was quiet militarily, but not politically.<sup>c.</sup> By April of 1935, it had been decided to set up this important region as an autonomous area.<sup>d.</sup> According to TANAKA, Ryukichi, who was on the staff of the Kwantung Army at the time and handled all telegraphic messages and official papers relative to the autonomous movement,<sup>e.</sup> the authors of the movement were the accused MINAMI, Commander of the Kwantung Army, and the accused UMEZU, Commander of the North China Army.<sup>f.</sup> The purpose was two-fold: to create

(E-2. a. Ev. 220, T. 2751.

b. T. 3751.

c. T. 3746.

d. T. 2026.

e. T. 2024.

f. T. 2033-4.)



an autonomous regime in Mongolia and to create a regime  
1 in North China outside the Mongolia area. The reason  
2 for establishing a Mongolian regime was to set up an  
3 "independent" state; while the reasons for establishing  
4 the North China regime were to separate the five  
5 provinces from Nanking, to set them up as an autonomous  
6 area in close relationship with Manchukuo under Japan's  
7 leadership and to reduce the power and influence of the  
8 Nanking Government.<sup>g.</sup> The work was divided between the  
9 two armies, the Army in North China taking the five  
10 provinces and the Kwantung Army taking Inner Mongolia.<sup>h.</sup>  
11 To accomplish this mission the conspirators resorted to  
12 their usual tactics of creating incidents as a pretext  
13 for making demands, which, if not complied with, were  
14 used as a further pretext for taking punitive action. At  
15 this particular point, the conspirators found it ex-  
16 tremely difficult to find incidents which they might use  
17 as a peg for making demands. At the time relations be-  
18 tween China and Japan were rather good. According to  
19 defense witness KUWASHIMA, the North China situation had  
20 been generally calm, and on May 17, 1935, it had been  
21 decided to raise the Japanese Legation in China to an  
22 embassy.<sup>i.</sup> The only instances of any trouble between the  
23  
24  
25 (E-2. g. T.2026-7  
h. T.2028.  
i. Ex. 3241, T. 2948.)

Chinese and the Japanese prior to the UMEZU demands in  
 1 May, 1935, asserted by the defense, were two: an alleged  
 2 insult to Japanese military and Foreign Office clerks at  
 3 Changpei in October, 1934, and an alleged intrusion by  
 4 one unit of the troops of Sung Che-yuan into Manchukuo  
 5 on January 24, 1935.<sup>j.</sup> It should be noted that both of  
 6 these incidents, if they did take place, occurred months  
 7 before the UMEZU demands. In fact, defense witness  
 8 KUWASHIMA admitted that both before and after the UMEZU  
 9 demands there were only four incidents and that all of  
 10 them were small.<sup>k.</sup> The Foreign Office at the time  
 11 recognized that the military in China were prone to  
 12 raise a storm in a teacup.<sup>l.</sup> Moreover, the only instance  
 13 related in the entire record of any Chinese troops having  
 14 gone into the demilitarized area was in the testimony of  
 15 Goette that on two occasions he saw Chinese renegade  
 16 troops, hostile to Chiang Kai-shek, enter the zone from  
 17 Japanese-controlled areas and then disappear again into  
 18 Japanese-controlled areas on the other side.<sup>m.</sup>

20 E-3. Having no pretext to make demands on China,  
 21 the conspirators created one out of whole cloth. In the  
 22 middle of May, 1935, two Chinese -- not Japanese, but  
 23 Chinese -- were killed in the Japanese concession at

24 (E-2. j. Ex. 2489, T. 20754-5.  
 25 k. 2. 29501-2.  
 l. Ex. 3241, T. 29489.  
 m. 3. 3745-6.



Tientsin. General SAKAI, Chief of Staff to General UMEZU, Commander of the China Expeditionary Army, stated to General Ho that the Japanese Army regarded the assassinations as acts of provocation, warned that if such acts continued, drastic action would be taken, and demanded the transfer of General Yu, the withdrawal of the Chinese military police and the withdrawal of the Kuomintang party offices in Hopei and of other organizations. In compliance with this request, the Chinese dismissed certain officials and decided to suspend the work of the party office and to transfer the Governor of Hopei.<sup>a.</sup> Not satisfied with these concessions, on May 29, UMEZU again sent SAKAI to Ho<sup>b.</sup> to demand that all party offices be abolished, certain armed forces withdrawn, and all anti-Japanese activities banned immediately under penalty of the Japanese Army taking unrestricted action.<sup>c.</sup> While UMEZU, through the witness ISHIKAWA, would have us believe that these demands were only suggestions or representations for improving relations,<sup>d.</sup> defense witness KUWASHIMA testified that, as he learned them from the Peking Legation, these were strong demands, in substance an ultimatum.<sup>e.</sup> The demands were known to the newspapers

- (F-3. a. Ex. 194, T. 2275-6.  
b. Ex. 2491, T. 20786.  
c. Ex. 194, T. 2276.  
d. Ex. 2491, T. 20787.  
e. Ex. 3241, T. 29489, 29496, 29504-5, 29531.)

which characterized them as containing all the features  
1 of an ultimatum.<sup>f.</sup> The accused KIDO, in his diary for  
2 May 30, noted that China had been presented with a large  
3 claim and that SHIGEMITSU had observed that China was  
4 powerless in opposing Japan's military objectives. He  
5 further noted that the step was based on the idea of  
6 ITAGAKI and others that the military should take the  
7 lead in negotiations with China, for which purpose they  
8 intended to utilize the Manchurian Railway and the garri-  
9 son in Tientsen.<sup>g.</sup>

11 E-4. For the sake of peace, China agreed to  
12 compromise, and on June 10, 1935, General Ho accepted the  
13 demands, thus bringing about what has come to be known as  
14 the Ho-UMEZU agreement.<sup>a.</sup> All party offices were volun-  
15 tarily closed, the army forces transferred to other areas,  
16 the ban on anti-Japanese acts reinstated and the capital  
17 of Hopei moved.<sup>b.</sup> The agreement entered into was the  
18 result of compulsion. According to Goette, the Chinese  
19 officials drew his attention to Japanese dispatches  
20 stating that a large number of Japanese troops were leav-  
21 ing for North China, and told him that they were under  
22 threat of full military occupation unless they agreed and

23 (E-3. f. Ex. 2206-A, T. 15771.  
24 g. Ex. 2192, T. 15733-4.

25 (E-4. a. Ex. 2491, T. 20787-8.  
b. Ex. 194, T. 2276, 3748.



had been warned not to appeal to Britain or the United  
 States.<sup>c.</sup>

E-5. While UMEZU was taking his action in Hopei, similar events were taking place in Chahar. In June, 1935, four Japanese Army officers were motoring through the Chang-Pei district and were required to submit to inspection, whereupon it was discovered that they did not have the required entry permits. After being detained for a short while, they were allowed on orders of General Sung to proceed. The Japanese claimed this innocuous incident was an insult to the Japanese Army, and through the consul demanded the punishment of the responsible officers; an apology and assurance against future occurrence. The witness General Ching was designated as the Chinese negotiator.<sup>a.</sup> The Japanese consul, however, announced that the situation was beyond his power to settle, and the matter was referred to the Japanese garrison in Tientsin.<sup>b.</sup> MINAMI, according to defense witness KAWABE, in order to enlarge the scope of the Tangku Truce, under instructions from Tokyo sent the accused DOHIHARA of his staff in the Kwantung Army to Tientsin to negotiate on the matter which had arisen in which DOHIHARA was in charge of information.<sup>c.</sup> On June

(F-4. c. T. 3747.

(F-5. a. Ex. 199, T. 2311-2.

b. Ex. 199, T. 2312.

c. Ex. 2489, T. 20755

27, 1935, an agreement was reached by DOHIHARA and Ching settling the matter.<sup>d.</sup> As a result of the negotiations, certain officers in the Chinese garrison were punished, units of the 29th Army were withdrawn, peace and order were entrusted to the Peace Preservation Corps, further Chinese settlement in northern Chahar was stopped, the Kuomintang was withdrawn from Chahar, and anti-Japanism was barred.<sup>e.</sup>

E-6. About May 29, according to MINAMI, UMEZU came to Tsinking to meet with War Minister HAYASHI and MINAMI.<sup>a.</sup> According to the New York Herald Tribune, the meeting was held on June 1.<sup>b.</sup> While MINAMI denied that they spoke about the North China demands and claimed their talk was limited to routine business,<sup>c.</sup> his denial is hardly credible in light of the fact that the meeting took place just about the time UMEZU's demands were under consideration and immediately prior to the time that MINAMI sent DOHIHARA, one of his key men, to UMEZU's area to force from the Chinese extravagant concessions based on a wholly innocuous incident. In view of these facts, the only inference that can be drawn from the meeting of these three ranking military officials is that they met

(F-5. d. Ex. 2489, T. 20755.

e. Ex. 199, T. 2313.

(F-6. a. T. 19986.

b. Ex. 2206-A, T. 15778.

c. T. 19986-7.)



1 to perfect the strategy for carrying out this and the  
2 next steps of the conspiracy.

3 E-7. Following the two agreements which had  
4 eliminated from the spot important elements of Chinese  
5 resistance to Japanese aggressive demands, Japanese  
6 activities in the area and the autonomous movement in-  
7 creased in vigor. In the summer of 1935, Japanese air-  
8 plane traffic around Peiping and Tientsin increased and  
9 was extended to interior areas. China protested and  
10 asked Japan to take steps to stop this violation of  
11 China's sovereignty. The Japanese replied that the  
12 flights were being undertaken under the provisions of  
13 the Tangku Truce, but when it was pointed out that this  
14 was a false application of the Truce, the Japanese tried  
15 to tie up the matter with the aviation problem between  
16 China and Japan. When the matter was reported to HIROTA,  
17 he also tried to justify the flights on the basis of the  
18 Truce. After November, 1935, no answers were made to the  
19 Chinese protests.  
20

21 E-8. In September, 1935, DOHIHARA was sent  
22 from the Kwantung Army by MINAMI to Peiping to foment  
23 the autonomy movement. The witness TANAKA, Ryukichi,  
24 who assisted in drafting DOHIHARA's orders, testified  
25 (E-7. a. Ex. 213, T. 2708-12.  
(E-8. a. T. 2124.)

1 that DOHIHARA was ordered to set up an autonomous regime  
2 which would maintain close relations with Japan and  
3 Manchukuo, serve as a buffer state and have anti-  
4 communism as the motto for the movement.<sup>b.</sup> There had  
5 been some difficulty about the contents of the order  
6 because there was no fixed motive for starting the move-  
7 ment; and since it was necessary to have one, after  
8 study by ITAGAKI, DOHIHARA and SASAKI, anti-communism was  
9 chosen as a slogan.<sup>c.</sup> Pursuant to these orders, which  
10 were approved in Tokyo, DOHIHARA went to Peiping,<sup>d.</sup>  
11 where he came under the command of General TADA who had  
12 succeeded UMEZU.<sup>e.</sup>

13 E-9. DOHIHARA's first plan was one of induce-  
14 ment. According to TANAKA, DOHIHARA hoped to prevail  
15 upon Wu Pei-fu to become the central figure in the North  
16 China autonomous movement but failed because certain  
17 Chinese generals refused to join.<sup>a.</sup> According to General  
18 Ching, DOHIHARA attempted repeatedly to induce General  
19 Sung, Commander of the Peiping-Tientsin area, to become  
20 the leader of the North China autonomous government upon  
21 the promise that Japan would extend every possible mili-  
22 tary and economic aid, but this inducement was repeatedly  
23

24 (E-8. b. T. 2034, 2124.  
c. T. 2131-2.  
d. T. 2125, 2132-3.  
e. T. 2028.  
25 (E-9. a. T. 2029.)



b.  
refused.

1 E-10. Having failed with his policy of induce-  
2 ment, DOHIHARA now resorted to other tactics. On  
3 October 20, 1935, a Chinese named Wu bribed local elements  
4 to start a riot on the pretext of demanding autonomy,  
5 but this failed.<sup>a.</sup> The Japanese then induced by threat  
6 and bribery Yin Ju-keng, administrative commissioner, to  
7 cable Nanking on November 15, 1935, asking for autonomy.  
8 On November 24, a preparatory committee for autonomy  
9 was set up, and on the 25th, the East Hopei Anti-  
10 Comintern Autonomous Council, which proclaimed itself  
11 independent of the national government was created.<sup>b.</sup>  
12 This organization, all military and political affairs  
13 and resources and revenues all came under Japanese  
14 domination.<sup>c.</sup> In bringing this movement about, DOHIHARA  
15 used the same tactics as had been employed in arousing  
16 enthusiasm for independence in Manchukuo. Goette  
17 testified that during November motor cars sped through  
18 the streets of Peiping from which hand-bills of an  
19 alleged appeal for autonomy were thrown out, and Japanese  
20 planes flew overhead and dropped leaflets.<sup>d.</sup>

23 (E-9. b. Ex. 199, T. 2314.

24 E-10. a. Ex. 210, T. 2702.

25 b. Ex. 210, T. 2702-3; Ex. 211, T. 2704.

c. Ex. 210, T. 2703.

d. T. 3750.)

1 E-11. As a counter measure, the Chinese set  
2 up under General Sung the Hopei-Chahar Political  
3 Council to take charge of all political and military  
4 affairs in Hopei, Chahar, Peiping and Tientsin, and  
5 Sung took charge on December 18, 1935.<sup>a.</sup> The  
6 inducements having failed and the autonomous puppet  
7 government having been countered with the Chinese  
8 political council, according to the testimony of  
9 General Ching, DOHIHARA now demanded of Sung that the  
10 political council be changed to the North China  
11 Autonomous Government, that the publicity personnel  
12 of the Nanking government be withdrawn, that public  
13 opinion be controlled and opposition to autonomy not  
14 permitted, that a railway be constructed and that the  
15 maritime customs be revised to increase the tariff on  
16 European and American goods and to decrease those on  
17 Japanese.<sup>b.</sup>

18 E-12. At the same time as DOHIHARA was  
19 applying pressure on Sung, other pressure was being  
20 applied. This was shown by exhibit 196, which was  
21 received in evidence but not read. In Chahar, the  
22 Japanese, acting for themselves and the Manchurians,  
23 demanded that the six districts around Kalgan be guarded  
24  
25 E-11. a. Ex. 199, T. 2315; Ex. 211, T. 2704  
E-11. b. Ex. 199, T. 2315-6



by the Mongolian Pacification Corps, and when this was refused, an incident was created at Chang-Pei, giving the Japanese, on a claim that Jehol was in danger, a pretext to lead three armies into Chahar and to overrun it in a few days.<sup>a.</sup> While General Sung did not yield directly to the pressure, due to the fact that the Japanese were in control of the East Hopei Anti-Communist Autonomous Government and in military control of Chahar, he had to accept the puppet regime. There is little doubt that the regime was a puppet government. Goette testified that he saw Japanese military in the area recruiting and training Chinese gendarmerie, and that it was common knowledge that the new regime was the center of dope and commodity smuggling.<sup>b.</sup> According to the report of Japanese War Crimes in China, twenty-two districts in the area were taken over by the Autonomous government, and all military and political affairs as well as resources, industries, customs revenues and salt revenues came under Japanese domination.<sup>c.</sup> While China and the local authorities negotiated with the Japanese for abolition of this regime,<sup>d.</sup> the regime continued

E-12. a. Ex. 196, T. 2279  
 " b. T. 3750-1, 3753-4  
 " c. Ex. 210, T. 2703  
 " d. Ex. 210, T. 2703

until Japan formally took over Peiping in August 1937.<sup>c.</sup> Temporarily, the Japanese were satisfied. In addition to the puppet regime, they had, as the Japan Year Book points out, in the Hopei-Chahar Political Council, an organ which, while under the supervision of the Chinese National Government, had power to negotiate with Japan and Manchukuo.<sup>f.</sup>

E-13. While the North China Army with the help of DOHIHARA of the Kwantung Army was carrying out its part of the dual task of establishing autonomous governments in North China and Mongolia, the Kwantung Army proceeded with the execution of its part of the task. The problem of the Kwantung Army was somewhat simpler than that of the North China Army. In March 1933, the Inner Mongolian Autonomous Council had been set up under Prince Teh. Since Nanking had failed to support the council economically and the Governor of Suiyuan was opposed to the Council because of Teh's desire to establish a unified Mongolian state comprising both Inner and Outer Mongolia,<sup>a.</sup> the situation was therefore ripe for the Japanese to make overtures to Teh. Accordingly, in April or May 1935, according to the testimony

E-12. c. T. 3756  
 " f. Ex. 211, T. 2704  
 E-13 a. T. 2039-40



1 of TANAKA, Ryukichi, and MINAMI, MINAMI sent Colonel  
 2 ISHIMOTO and TANAKA on a mission to Teh. <sup>b.</sup> While  
 3 MINAMI stated he sent these emissaries for liaison  
 4 purposes to observe conditions and admitted only that  
 5 he had told them it would be a good thing to establish  
 6 a liaison agency, <sup>c.</sup> TANAKA testified that they were  
 7 sent for the purpose of having the Inner Mongolian  
 8 Autonomous Council form a close relation with Japan  
 9 to establish an autonomous government under Teh, which  
 10 would become an independent government in line with  
 11 the Kwantung Army anti-Soviet policy. <sup>d.</sup> While Teh  
 12 at first did not agree, in August 1935, he promised  
 13 close cooperation with MINAMI, and the Kwantung Army  
 14 gave him financial aid. In November 1935, DOHIHARA  
 15 and the Hopei-Chahar regime agreed that Teh should be  
 16 in control of that regime, and on February 11, 1936,  
 17 the Inner Mongolian Autonomous Council was transferred  
 18 to West Sunito, where it was joined by Japanese civilians  
 19 who served as advisors. <sup>e.</sup>

20 E-14. TANAKA further testified that in the  
 21 spring of 1936 the Council was transferred to Teh-Hua,  
 22 where secretly an independent Mongolian government was  
 23

24 E-13.      b. T. 2040; 19,993-4  
 25            c. T. 19,993-4  
              d. T. 2040-1  
              e. T. 2041-2

1 established, and that an agreement for mutual political  
2 and economic aid was signed between this government  
3 and Manchukuo.<sup>a.</sup> His testimony was confirmed in a  
4 report of May 7, 1936, from Ambassador UEDA (concurrently  
5 commander of the Kwantung Army) to Foreign Minister  
6 ARITA which also disclosed the role played by the  
7 Japanese in this project. UEDA reported that from  
8 April 21 to 26th, Teh, the Japanese Special Service  
9 Chief and others met with representatives of Outer  
10 Mongolia in a so-called state-founding conference,  
11 where they adopted plans to amalgamate Mongolia and  
12 Inner and Outer Tsinghai, to set up a monarchy, to  
13 found a Mongolian Congress, to organize a military  
14 government and to conclude a mutual assistance agreement  
15 with Manchukuo. He reported the removal of the govern-  
16 ment to Teh-Hua, where it began business under the  
17 direction of a Japanese advisor. UEDA also reported  
18 that the treaty with Manchukuo would be signed at the  
19 end of May and relayed a request from TANAKA that members  
20 of the Embassy and Foreign Ministry attend the signing.  
21 ARITA was also notified by UEDA that the matter had  
22 been kept very secret and that the army intended to go  
23 as far as to recognize the independence of Inner Mongolia.<sup>b.</sup>  
24  
25 E-14. a. T. 2042  
" b. Ex. 212, T. 2705-7



E-15. Whatever secrecy the North China and  
1 Kwantung armies may have tried to maintain about these  
2 events, their activities were not unknown to the  
3 authorities in Tokyo. On October 2, 1935, WAKASUGI,  
4 Secretary of the Embassy in Peiping, notified Foreign  
5 Minister HIROTA that he believed the army intended for  
6 purposes of self-defense to organize out of North  
7 China a self-governing state, practically independent  
8 and free of Nanking domination, and of having it form  
9 ultimately an economic bloc with Japan and Manchukuo  
10 for the sake of politics, finance and economy. On  
11 the same day, he reported that the army's far-sighted  
12 scheme and Mongolian policy were making steady progress  
13 and that DOHIHARA had met with Teh to promote Inner  
14 Mongolian self-government.<sup>a.</sup> On November 16 and 22nd,  
15 HIROTA received further notices of the progress of  
16 the movement.<sup>b.</sup> Defense witness KUWASHIMA admitted  
17 that the Foreign Office received information in  
18 November that the Kwantung Army had concentrated  
19 mechanized troops at Shan-Haikwan on the Great Wall  
20 to intimidate North China, and that his office suspected  
21 that the military authorities had a hand in organizing  
22 the Chicha (Hopei-Chahar) Administrative Committee  
23  
24 E-15. a. Ex. 197, T. 2282-4  
25 " b. Ex. 3242, T. 29,539-40; Ex. 3242-A, T. 29542

in the middle of December. <sup>c.</sup> Notwithstanding these  
1 clear and unequivocal notices and the fact that as  
2 early as May 1935 the Foreign Office recognized, as  
3 recorded by KIDO, that the army was invading its own  
4 province of diplomacy, <sup>d.</sup> the Foreign Office under  
5 HIROTA did nothing except possibly to warn the army.

6 THE PRESIDENT: We will adjourn until half-past  
7 one.

8 (Whereupon, at 1200, a recess was taken.)  
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24 E-15,  
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c. Ex. 3241, T. 29,490  
d. Ex. 2192, T. 15,733-4



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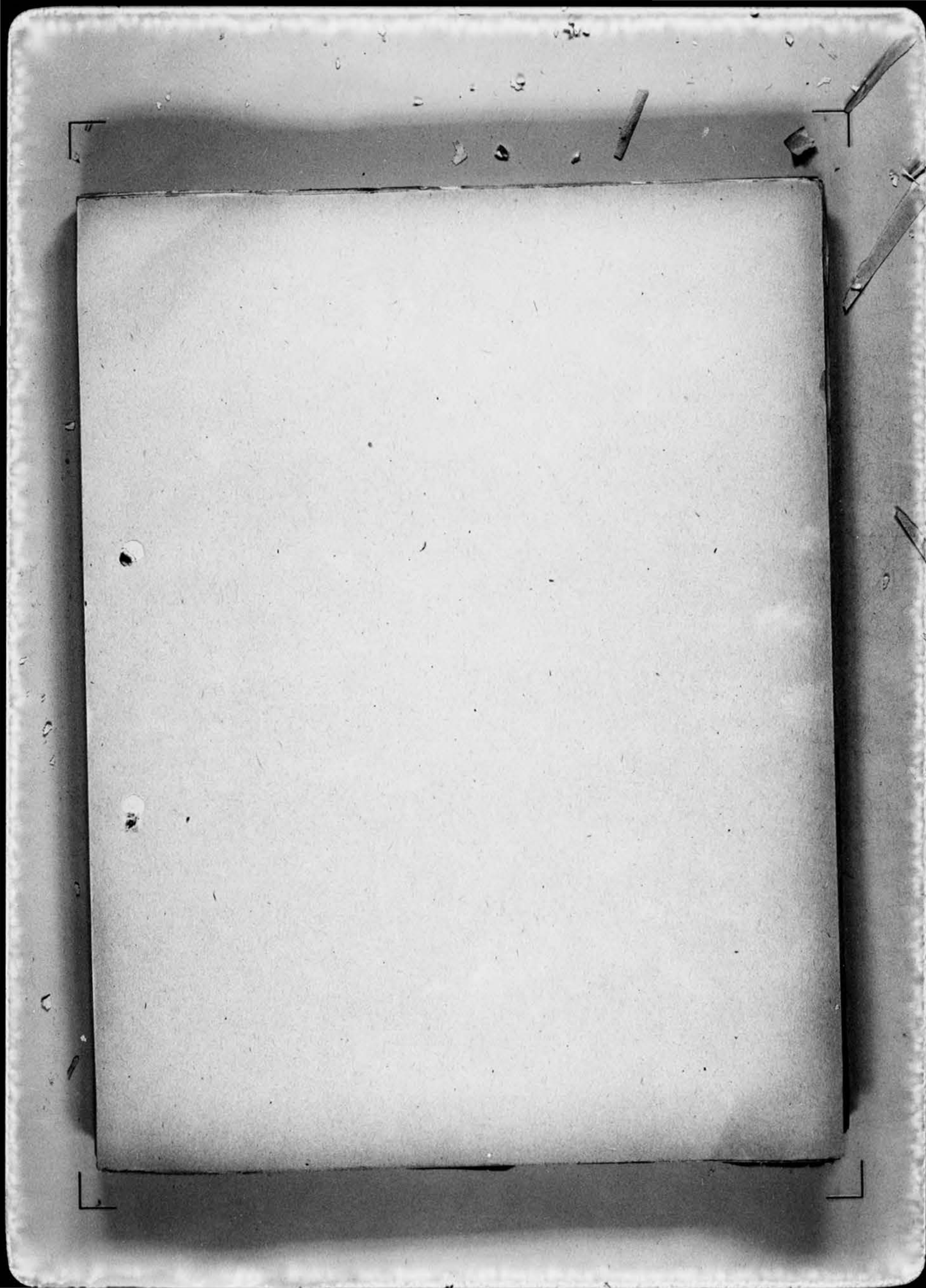
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24 E-15,  
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c. Ex. 3241, T. 29,490  
d. Ex. 2192, T. 15,733-4





## AFTERNOON SESSION

1  
2 The Tribunal met, pursuant to recess, at  
3 1330.

4 MARSHAL OF THE COURT: The International  
5 Military Tribunal for the Far East is now resumed.

6 THE PRESIDENT: Judge Hsiang.

7 JUDGE HSIANG: If it please the Tribunal, I  
8 will continue the reading of page E-14, the middle  
9 of the page:  
10

11 E-16. The instigation of the autonomous  
12 movements was not an isolated phenomenon to meet a  
13 problem of keeping peace and order in a border area.  
14 It was a deliberate step in furtherance of the con-  
15 spiracy to obtain the control and domination of China.  
16 This is abundantly clear from the detailed plans of  
17 the conspirators, made just at the time the movement  
18 for autonomy was reaching fruition. At the end of  
19 November 1935, the Japanese Garrison Forces in North  
20 China distributed to the Kwantung Army and other  
21 military and railway groups a plan for the military  
22 disposal of the railways in North China. The lan  
23 stated that the Army expected to dispose of the railways  
24 so as to place them under control and achieve the army's  
25 military objective through direct use. Recognizing

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1 that the railways might have to be seized from the  
2 beginning, the plan provided for operation by Chinese  
3 who were to be made to understand the spirit of the  
4 autonomous movement and the attitude of the Japanese  
5 forces, and to be made to feel at ease so that they  
6 would assist even in military operations. Indirect-  
7 ly, they were to prevent removal of rolling stock,  
8 but, if necessary, force would be used under the pre-  
9 text that it was for the protection and defense of one  
10 of the railways against military operations of Nank-  
11 ing. Complete details for the action to be taken  
12 against each railroad in case of military action were  
13 set out. The plan also provided for army administra-  
14 tion when the movement of troops became necessary,  
15 and for unification of the railways when it became  
16 inevitable to settle the issue by force. It pro-  
17 vided for military action against certain important  
18 railroad points and for operation of railroads at the  
19 battle front. It mentioned the need for large forces  
20 when the troops moved to the south to mop up. It  
21 set forth the terms and conditions under which the  
22 railways would be returned to the North China regime,  
23 and the demands that would be made on that regime.<sup>a.</sup>

24 E-17. On December 9, 1935, Chief of Staff NISHIO  
25

E-16. a. Ex. 259, T. 3474-86.



1 of the Kwantung Army sent to the War Ministry his  
2 army's propaganda plan.<sup>a.</sup> MINAMI admitted that this  
3 plan was issued with his authorization.<sup>b.</sup> The plan  
4 provided that they would begin their propaganda to  
5 convince the world of Kwantung Army lawfulness on its  
6 advance into China proper, and they would try to  
7 estrange the inhabitants of North China from the central  
8 government. When military forces would be sent to  
9 China some time in the future, it would be made clear  
10 that it was done to punish the military clique and  
11 not the people. From Manchuria the propaganda would  
12 be that the appearance of an independent government in  
13 North China was only a manifestation of its longing  
14 for the fine administration of Manchuria. Propaganda  
15 was to be planned and carried out by the Army Staff and  
16 the Special Services of the Expeditionary Forces. Be-  
17 fore the forces moved into China, propaganda would  
18 be launched, and after the advance, propaganda would  
19 be used to facilitate military activities. Generally,  
20 the troops were to provide the personnel, but if  
21 troop personnel were unavailable, it was to be pro-  
22 vided by the Army Staff.<sup>c.</sup>

23 E-18. These plans disclose three essential  
24

25 E-17. a. Ex. 195, T. 2277  
b. T. 19997  
c. Ex. 195, T. 2277-9

points of the conspiracy: (1) the conspirators had  
1 as a fundamental part of their conspiracy the inten-  
2 tion of invading China proper; (2) the conspirators  
3 had planned in advance in complete detail their en-  
4 tire scheme for taking over China; (3) all actions  
5 taken prior thereto were in preparation for carrying  
6 out that invasion.

7 E-19. The plans of the armies in North China  
8 and Manchuria met with the ready approval of the mili-  
9 tary authorities in Tokyo. Under date of January 13,  
10 1936, there was transmitted to the forces in China an  
11 army plan for dealing with North China, and instruc-  
12 tions thereon were issued to the commanders of Japan-  
13 ese forces in China not under the control of the Kwan-  
14 tung Army. The principal object of the plan was to  
15 assist the Chinese to realize self-government in North  
16 China, for which purpose Japan was determined to give  
17 support and guidance. The plan provided for establish-  
18 ing self-government through a program of gradual en-  
19 largement of the self-government area, and enunciated  
20 as the principle of guidance that care be taken so  
21 that there be no misapprehension that Japan was set-  
22 ting up a separate state like Manchukuo or intending  
23 to carry out an expansion of Manchukuo. It provided  
24 for increasing the independence of the Hopei-Chahar  
25



1 Political Council and against allowing the plans for  
2 Inner Mongolia to interfere with this program.

3 The operations toward Inner Mongolia were  
4 to continue as theretofore, but were to be limited to  
5 the area north of the Great Wall. Management of North  
6 China was assigned to the Commander of Japanese  
7 stationary troops in China to be handled as a rule  
8 by direct contact with the Hopei-Chahar and East Hopei  
9 governments. To assist the Political Council, a pro-  
10 visional organization supervised by the Japanese  
11 commander was to be established. The Kwantung Army  
12 and other organizations and officials were directed to  
13 cooperate in this program.<sup>a.</sup>

15 2. THE FEBRUARY 26, 1936 INCIDENT

16 E-20. Although the armies in North China and  
17 Manchuria and the military authorities in Tokyo had  
18 reached a clear understanding that this program was  
19 to be the next step in furtherance of the conspiracy,  
20 the participation of one important group, whose consent  
21 and cooperation were essential to the success of the  
22 program, had not yet been acquired. The government,  
23 represented by the OKADA Cabinet, although fully aware  
24

25 E-19. a. Ex. 215, T.2721-6

1 of the army program from its inception as shown be-  
2 fore, was not willing to go along. In fact, the cabi-  
3 net had been working on another program, which, if  
4 successful, would have for the time being rendered  
5 this phase of the conspiracy abortive. On August 5,  
6 1935, Foreign Minister HIROTA sent to the diplomatic  
7 and consular officials in China a plan of the Bureau  
8 of East Asiatic Affairs prepared as a result of the  
9 reinvestigation of China policy which he had ordered.  
10 The plan had as its essential policy the securing of  
11 stabilization in East Asia by cooperation between Japan,  
12 Manchukuo, and China. This object was to be attained  
13 through the three HIROTA principles: (1) that China  
14 should control anti-Japanese speeches and activities,  
15 (2) that Japan and China should try to establish and  
16 promote friendship and cooperation by mutual respect  
17 and assistance, and that both should work to develop  
18 relations between Manchukuo and China, although China  
19 for the time being was not required to formally recog-  
20 nize Manchukuo but only to agree not to deny its exist-  
21 ence in North China, and (3) that Japan and China  
22 should cooperate in Chahar and other districts bordering  
23 on Outer Mongolia with a view to removing the communist  
24 menace.<sup>a.</sup> After considerable discussions with the army  
25



b. and navy, the plan was adopted on October 4, 1935,  
 1 by the Premier and Foreign, War, Navy, and Finance  
 2 Ministers. c. The diplomatic authorities were instructed  
 3 to keep the matter strictly secret. d. On January 21,  
 4 1936, the three principles, which had theretofore  
 5 been kept secret, were publicly made known through  
 6 HIROTA's speech to the Diet. e. At that time HIROTA  
 7 was quite familiar with the army policy, having trans-  
 8 mitted it to Ambassador ARIYOSHI in China. f.

9 E-21. Following the announcement of HIROTA's  
 10 three principles, on February 26, 1936, an incident  
 11 of the gravest importance broke out. For the purposes  
 12 of the proceeding it is unnecessary to note the inci-  
 13 dent itself in detail. It is sufficient to rely on the  
 14 uncontroverted testimony of Premier OKADA that 22 army  
 15 officers and 1400 men revolted, terrorized Tokyo for  
 16 three and one-half days, seized the Premier's official  
 17 residence, the police building, the Diet, the Home and  
 18 War Offices and the General Staff Building, assassina-  
 19 ted Finance Minister TAKAHASHI, Lord Keeper SAITO and  
 20 General WATANABE, and attempted to assassinate Grand  
 21 Chamberlain SUZUKI and Premier OKADA. a.

23 E-20. b. Ex. 3254, T. 29625-8

24 c. Ex. 3255, T. 29630

d. Ex. 3255, T. 29630

25 e. Ex. 3241, T. 29492; Ex. 2434, T. 19729-30, 29639-41

E-21. a. Ex. 176, T. 1831-2.

E-22. Although the revolt was subsequently put down, it fully accomplished its purpose and assisted greatly in furthering the ends of the conspiracy. Premier OKADA resigned,<sup>a.</sup> and on March 9, 1936, the accused HIROTA became Premier.<sup>b.</sup> According to HIROTA's witness TSUGITA, the HIROTA Cabinet had as its mission the rigid enforcement of military discipline, the calming of the people and the establishment of a peaceful diplomacy.<sup>c.</sup> In light of this mission and the dire events of the preceding weeks, one might have expected that HIROTA would have taken stern measures to bring the army into line. On the contrary, his very first act, even before becoming premier, was to insure its dominance. TSUGITA testified that HIROTA in forming his cabinet encountered several demands from the army on the selection of ministers, and it was feared that if he rejected these demands he would be unable to get a war minister. After great difficulty, HIROTA succeeded in forming a cabinet only after he had acceded to most<sup>d.</sup> of the army demands. In May 1936, shortly after HIROTA became Premier, the organization of the army and navy was changed to require that war and navy ministers be of not less than lieutenant-general and vice-admiral

E-22. a. T. 1907-8

d. Ex. 2366, T.18180-1

b. Ex. 108, T.707

c. Ex. 2366, T.18176



rank, and vice-ministers of not less than major-general<sup>e.</sup>  
1 and rear-admiral rank, and that all be on active duty.  
2 While this change did, in fact, make the law conform  
3 to the practice actually followed since 1913, when  
4 reserve officers were first permitted to become war  
5 and navy ministers, and while the law was avowedly  
6 changed for the purpose of maintaining discipline and  
7 to prevent general officers who were being relegated to  
8 the reserves as punishment for participation in the  
9 February incident from becoming war minister, and while  
10 it did not prevent a reserve officer from being reactivi-  
11 vated and given the ministership,<sup>f.</sup> it did give to  
12 the army an effective weapon for furthering the con-  
13 spiracy. It did assure to the army that whoever became  
14 war minister, whether he was a person taken from the  
15 active rolls or was one reactivated from the reserves,  
16 such minister would be on active service and subject to  
17 army discipline and command, and would not be an inde-  
18 pendent minister of state. It effectively blocked any  
19 subsequent premier, who might wish to oppose the army's  
20 demands, from choosing from the reserves a war minister  
21 who was freed from army control.  
22

23 The reading will be continued by Mr. Sutton.

24 E-22. e. Ex. 93, T. 684  
f. Ex. 2366, T. 18176-82  
25

MR. SUTTON: May it please the Tribunal.

3. AGGRESSIVE POLICY TOWARD CHINA

MARCH 1936 to JULY 1937.

E-23. The demands of the army for the appointment of certain ministers was not the only demand of the army to which HIROTA succumbed. The HIROTA Cabinet affirmatively joined in the conspiracy all agencies necessary to effectuate it. Although defense witness KUWASHIMA testified that the HIROTA Cabinet continued the previous negotiations on the basis of the HIROTA three principles until the Suiyuan Incident in December 1936,<sup>a</sup> the documentary evidence in this proceeding of the cabinet plans during the HIROTA Administration shows clearly that the Japanese government had no intention of negotiating along the lines previously designated, but was using the negotiations as a fraud or a blind to cover up its real purpose of furthering the ends and objects of the conspiracy.

E-24. In giving way to the demands of the Army, the HIROTA Cabinet did not limit itself to approving the program for North China which the army was then carrying out, but committed itself fully to the entire conspiracy. The five chief ministers

E-23

a. Ex. 3241, T. 29493; T. 29556-7



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E-23

a. Ex. 3241, T. 29493; T. 29556-7

formulated the entire conspiracy as the national  
 1 policy of Japan. On June 30, 1936 the War and Navy  
 2 Ministries decided on "The Basis of National Policy".<sup>a</sup>  
 3 On the same day, the principle of the policy was  
 4 approved by the Premier and the Foreign, War, Navy,  
 5 and Finance Ministers,<sup>b</sup> and on August 7, 1936 the  
 6 concrete plan was adopted and signed by HIROTA as Premier  
 7 and the other four ministers as the "Basic Principle  
 8 of National Policy".<sup>c</sup> The fundamental policy decided  
 9 upon was to secure Japan's position on the Asiatic  
 10 continent by diplomatic policy and national defense  
 11 and to advance and develop Japan toward the South Seas.  
 12 Japan was to carry out the national defense and  
 13 military preparations needed to secure peace, to  
 14 protect the development of the nation and to insure  
 15 Japan's position as the stabilizing power in East Asia.  
 16 The fundamental principles of the continental policy  
 17 were the sound development of Manchukuo, the intensi-  
 18 fication of national defense of Japan and Manchukuo to  
 19 eradicate the Soviet menace and at the same time to  
 20 prepare against Britain and America, and close  
 21 cooperation between Japan, Manchukuo and China for  
 22 economic development.<sup>d</sup> The basic plan provided for

E-24

25 a. Ex. 977; T. 9542-7  
 b. Ex. 978; T. 9547-50  
 c. Ex. 216; T. 2726-8; Ex. 979, T. 9551-3  
 d. Ex. 216; T. 2727-8



complete internal reform administratively, politically,  
1 and economically for national policy and defense, for  
2 the direction and unification of internal public  
3 opinion and the leading of popular thought, for the  
4 rapid development of aviation and shipping, and for  
5 the promotion of a self-sufficient policy for resources  
6 and materials for national defense and industry.<sup>e</sup>  
7 The military were to give undercover assistance so  
8 that diplomatic activities might progress advantageous-  
9 ly.<sup>f</sup>

10  
11 E-25. With the adoption of this policy,  
12 the HIROTA Cabinet committed Japan to four principles  
13 all of which were to further the conspiracy:  
14 (1) the attaining of the object and end of the  
15 conspiracy was made the fundamental national policy  
16 of Japan; (2) the object of the national policy and  
17 the conspiracy was to be attained, if possible,  
18 through diplomatic means with military assistance;  
19 (3) if diplomacy failed, the object was to be achieved  
20 by war -- euphemistically called national defense --  
21 against all obstacles; and (4) the Japanese nation,  
22 its people and its economy were to be prepared for  
23 and geared to war.

24 E-24

25 e. Ex. 977, T. 9542-7  
f. Ex. 977, T. 9545

E-26. Having laid down a basic national policy for Japan, the HIROTA Cabinet shortly thereafter turned its attention to the more specific and immediate problem of North China. On August 11, 1936 it formulated an administrative policy towards North China. The purpose of the policy was declared to be to assist the people of North China to secure independence in administration, to set up an anti-communistic and pro-Japanese area, to secure necessary materials for national defense, to improve transportation facilities against the possible invasion of Soviet Russia, and to make North China a base for cooperation and mutual aid among Japan, Manchukuo and China. To effect this, Japan must guide the local powers and make Nanking stop hindering the self-administration of North China. Great stress was laid on the need for conducting activities in order to avoid opposition and allay the suspicion of either China or other foreign powers that another independent country was being established. The planned economic development was to be carried out in order to create an inseparable connection with China and to contribute toward preserving friendly relations both in war and peace. North China's iron, coal and salt were to be used for Japan's national defense, and for promoting transportation and



electric power.<sup>a</sup>

1 E-27. Notwithstanding the fact that the  
2 conspirators now held every strategic position in  
3 both the government and the army and had brought  
4 about a clear formulation of the object of the  
5 conspiracy as Japan's national policy, they were  
6 faced early in 1937 with a crisis which threatened to  
7 block, at least temporarily, the effectuation of the  
8 conspiracy. However, they were able to withstand the  
9 crisis successfully, thus showing that at this time  
10 they already had sufficient control of the internal  
11 situation in Japan to direct it fully for their own  
12 ends. On January 20, 1937, the Seiyukai Party issued  
13 a declaration criticizing the HIROTA Cabinet on the  
14 ground that its members were influenced by dogmatic  
15 prejudices of the bureaucrats and the military, and  
16 pointing out that the military's desire to interfere  
17 in every sphere was a threat to Japan's constitutional  
18 government.<sup>a</sup> On the following day, according to a  
19 Home Ministry report, the army authorities stated they  
20 could not do business with a party whose policy for  
21 administrative reform was opposed to the policy demanded  
22

23 E-26

24 a. Ex. 217, T.2728, 2740-43

25 E-27

a. Ex. 2208A, T. 15,790-3

1 by the Japanese people for the existence and expansion  
 2 of Japan as the stabilizing power of East Asia, the  
 3 abandonment of which would cramp Japan into her islands  
 4 and prevent her from accomplishing her mission. They  
 5 advocated getting rid of the existing parliamentary  
 6 situation.<sup>b</sup> On the same day, War Minister TERAUCHI  
 7 engaged in argument in the Diet with a member of the  
 8 Seiyukai Party. Whereupon, TERAUCHI demanded dissolu-  
 9 tion of the House of Representatives, and when this  
 10 was refused by the Cabinet, he resigned on January 22,  
 11 1937.<sup>c</sup> On the 23rd, according to the Home Ministry  
 12 report, TERAUCHI stated that he had not resigned because  
 13 of the speech against him in the Diet, but because  
 14 some members of the Cabinet who belonged to one of the  
 15 parties differed fundamentally with his views, and he  
 16 could not temporize or compromise with them.<sup>d</sup> The  
 17 War Minister having resigned, HIROTA found it  
 18 difficult to maintain the Cabinet and resigned on  
 19 January 23, 1937.<sup>e</sup>

20  
 21 E-28. Upon the fall of the HIROTA Cabinet,  
 22 the mandate to form a new Cabinet was given to

23 E-27

- 24       b. Ex. 2208B, T. 15,794-6  
 25       c. Ex. 3258, T. 29,651-3  
       d. Ex. 2208C, T. 15,796-7  
       e. Ex. 3258, T. 29,652-3



General UGAKI. However, as General UGAKI himself testified, the military were opposed to him because as War Minister he had reduced the size of the army and had refused to cooperate with the clique in the General Staff in carrying out the March incident. As a result of this opposition, although the army triumvirate of SUGIYAMA, Inspector General of Military Education, NISHIO, vice-chief of staff, and TERAUCHI, outgoing War Minister, submitted three names for the post of War Minister to UGAKI, all three candidates refused.<sup>a</sup> In a talk made on January 27, 1937 the accused UMEZU, according to a report of the Home Ministry, stated that the army would not take any measures to check the formation of an UGAKI Cabinet, but indicated clearly that the army was opposed to UGAKI for a reason which could not be disclosed.<sup>b</sup> In his testimony, defense witness MITARAI attempted to belittle this Home Ministry report as only a police report.<sup>c</sup> However, he admitted that he had never been a government official and carefully avoided stating that he believed the report to be inaccurate, basing his derogatory remarks solely on a contention that if

E-28

- a. Ex. 163, T. 1608-9
- b. Ex. 2208 D, T. 15798-800
- c. T. 17843-7

1 UMEZU did speak to a mere police official, he was not  
2 making a public statement. In light of the fact that  
3 the report is part of the complete report of the events  
4 of those days kept in the archives of the Home Ministry,  
5 an important cabinet post, and in view of the large role  
6 played by the police in Japan, as will be seen from a  
7 later portion of this summation, MITARAI's remarks can  
8 hardly affect the credibility of the report. Nor does  
9 the fact that the remarks may have been made privately  
10 to a police official rather than in a public statement  
11 affect the credibility of the report. It is not unusual  
12 for a man to state privately and off the record matters  
13 which he cannot or will not disclose publicly. Moreover,  
14 following the event UMEZU sent a notice to the Ex-  
15 Soldiers Organization in which he reviewed the entire  
16 situation. He stated that as soon as UGAKI received  
17 the mandate, the army felt that a War Minister in his  
18 cabinet would find it difficult to maintain discipline.  
19 He also stated that TERAUCHI had tried to dissuade  
20 UGAKI, as did SUGIYAMA, but when he refused to be  
21 dissuaded, the triumvirate gave him some candidates  
22 who all refused to accept because they could not carry  
23 out their duty in this situation.<sup>d</sup> The real situation  
24

25 E-28

d. Ex. 2208-E, T. 15801-3



1 is crystal clear. The army was opposed to UGAKI, who  
2 had been responsible for the failure of an earlier  
3 part of the conspiracy, and its opposition was known  
4 to all, including the candidates for the post of War  
5 Minister. The army triumvirate, knowing full well  
6 that their views were known to the candidates, all  
7 officers in active service, could well afford to enter  
8 into the farce of naming candidates for the post.  
9 UGAKI, according to defense witness TSUGITA, attempted  
10 to take counter measures against the army veto through  
11 the intervention of the Emperor, but this in turn was  
12 vetoed by Lord Keeper YUASA because of strong army  
13 opposition.<sup>e</sup> When this last device failed, UGAKI  
14 on January 29, 1937 declined the mandate and General  
15 HAYASHI proceeded to form the new cabinet.

16  
17  
18  
19  
20  
21  
22  
23  
24 E-28

25 e. Ex. 3258, T. 29650-1

Greenberg &amp; Yelden

1 E.29. The fact that the conspirators had  
2 weathered the crisis and that the aims of the con-  
3 spiracy would be pursued as planned is well evidenced  
4 by the fact that the HAYASHI Cabinet, although made up  
5 of different personnel, continued the policies of the  
6 HIROTA Cabinet. On February 20, 1937, within three  
7 weeks of its formation, the HAYASHI Cabinet adopted  
8 an administrative policy toward North China substan-  
9 tially identical with the policy of August 11, 1936.  
10 However, it provided that they should avoid measures  
11 which might make foreign powers think Japan aggressive  
12 in China. It further provided that in time of war  
13 North China would be the source of materials for  
14 Japan's munitions industries.<sup>a</sup> On April 16, 1937,  
15 the Foreign, Navy, Finance, and War Ministries de-  
16 cided on "The Plans for Guiding North China." These  
17 plans were substantially the same in purpose and  
18 scope as the earlier plan, but somewhat milder in  
19 tone. Instead of compelling the Central China govern-  
20 ment to recognize the special character of North  
21 China, this plan provided for the guiding of the  
22 central government to that position. Moreover, the  
23 ministers recognized that past policy had frequently  
24

25 E.29.

a. Ex. 218, T. 2747-8.



given an erroneous impression to China and others  
1 that Japan intended to enlarge the truce zone, advance  
2 Manchukuo's frontier or realize the independence of  
3 North China, and they, therefore, resolved to take  
4 strict precautions against actions causing these mis-  
5 interpretations.<sup>b.</sup>

6 E-30. Moreover, the HAYASHI Cabinet took  
7 no steps to alter or revoke the basic national policy  
8 decided by the HIROTA Cabinet. Whatever effect, if  
9 any, the softening of the tone of the plans with  
10 respect to North China might have had on the course  
11 of events was dispelled by the fact that after only  
12 four months, in June 1937, the HAYASHI Cabinet was  
13 compelled to resign and was succeeded by the first  
14 KONOYE Cabinet and immediate war with China.

16 B. THE WAR OF AGGRESSION AGAINST CHINA  
17 1937-1945.

18 1. THE PERIOD FROM JULY 1937 to JANUARY  
19 1938.

20 E-31. Freed from the restraints of a  
21 hostile cabinet, the army in North China proceeded  
22 with its program of obtaining its desires from the  
23 autonomous governments in that region. In September  
24

25 E-29.

b. Ex. 219, T. 2748-50.

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25 E-29.  
b. Ex. 219, T. 2748-50.



1936, a company of Japanese soldiers holding maneuvers at Fengtai passed through the garrison line of the Chinese army and a clash ensued. Although the incident was immediately settled, the Japanese used the matter as a pretext for reinforcing their troops at Fengtai by a battalion.<sup>a</sup> In April 1937, according to the statement of Colonel Kiang, the Japanese charged that one of their soldiers had been wounded. Although an investigation failed to establish any responsibility on the part of the Chinese, the Japanese strongly demanded the withdrawal of the Chinese army stationed at Fengtai, a strategic point on the Peiping-Tientsin Railway. The Chinese army reluctantly complied.<sup>b</sup> With the ouster of the Chinese army from Fengtai and the occupation of that place by the Japanese, the latter were in a position to control communications of the Peiping-Hankow line and to cut off North China from Central China, thereby making it a special sphere, an object toward which they had long been striving.<sup>c</sup> To make the project complete for the time being, all that was needed was control of Peiping. This could be most easily accomplished if the Japanese could take Lukouchiao.<sup>d</sup>

E-31.

a. Ex. 199, T. 2316-7.

c. Ex. 248, T. 3318.

b. Ex. 345, T. 4629.

d. Ex. 248, T. 3318.

1 E-32. The Japanese first attempted to  
2 accomplish the taking of Lukouchiao and the control  
3 of Peiping without military action. Both General  
4 Ching and Magistrate Wang testified that the Japanese  
5 surveyed some 6000 mow of land between Fengtai and  
6 Lukouchiao and requested that the Chinese rent or  
7 sell to them this land for the purpose of building  
8 barracks and air fields. When these requests were  
9 denied, the Japanese resorted to threats and induce-  
10 ments, but these also were refused. HASHIMOTO, Gun,  
11 Chief of Staff of the Japanese forces in China, then  
12 demanded of General Ching the right to buy this land,  
13 a purchase which was wholly contrary to the law of  
14 China and contrary to the desires of the private  
15 individuals owning the land. This demand was also  
16 rejected.<sup>a.</sup> This episode much embittered the Japanese  
17 forces.<sup>b.</sup>

18 E-33. The attempt to obtain control of  
19 Lukouchiao by purchase or through threat and bribery  
20 having failed, the only alternative that remained was  
21 to obtain it through the application of military  
22 pressure or force. This, of course, as in the past,  
23 required a pretext under which military demands could  
24 E-32.

25 a. Ex. 198, T. 2311-2; Ex. 248, T. 3318-20.  
b. Ex. 198, T. 2313.



be asserted or military action started. An excellent opportunity was available. By the Boxer Protocol of 1901, Japan and other powers were entitled to station troops along the Peiping-Mukden Railway to keep communication with the sea open.<sup>a</sup> By the supplementary agreement between the powers to the Protocol of July 15, 1902, the occupying powers were granted the right to carry on field exercises and rifle practice without informing the Chinese except in case of feux de guerre.<sup>b</sup> The Japanese conceded that in July 1937, the number of their troops on garrison duty under the Protocol was approximately 7000,<sup>c</sup> while the Chinese contended that the number approximated 15,000.<sup>d</sup> The exact number is wholly immaterial, for even if the Japanese figure is accepted, as it was by the League of Nations,<sup>e</sup> the number was greatly in excess of that needed to carry out the duties under the Protocol. All the other protocol powers had only small detachments; the British had a total of 1007, including its legation guard, while the French had 1700 to 1900, the most of whom were at Tientsin.<sup>f</sup> Not only were the number of

E-33.

a. Ex. 247, T. 3312-4; Ex. 58, T. 3307.

b. Ex. 2483, T. 20596.

c. Ex. 2487, T. 20612.

d. T. 2470.

e. Ex. 58, T. 3298.

f. Ex. 58, T. 3248.

1 their troops greater than those of the other powers,  
 2 but the Japanese also conducted maneuvers oftener  
 3 and on a larger scale. Wang estimated that from the  
 4 fall of 1936 the Japanese carried on maneuvers six  
 5 times.<sup>g</sup> Defense witness HASHIMOTO admitted that  
 6 night maneuvers by other foreign garrisons were much,  
 7 much less than the Japanese, and that Japanese man-  
 8 euvers were carried out intensively from April or May  
 9 to September and October.<sup>h</sup>

10 E-34. The right to carry on maneuvers gave  
 11 the Japanese army an excellent opportunity to create  
 12 an incident which would be the basis for action.  
 13 According to defense witness KAWABE, from June until  
 14 the outbreak of the incident night maneuvers were  
 15 carried out nightly.<sup>a</sup> Colonel Barrett, then United  
 16 States assistant military attache at Peiping, testified  
 17 that the holding of the maneuvers at Wanping during  
 18 July 1937 was deliberately provocative because of the  
 19 strained relations and the chance for misunderstanding  
 20 and friction.<sup>b</sup> The maneuvers were deliberately pro-  
 21 vocative in that they were conducted in an area where  
 22 the Japanese had no right to be. General Ching testi-  
 23 fied that the Japanese troops were maneuvering in  
 24

25 E-33.

g. Ex. 248, T. 3320.  
 h. T. 20649-51.

E-34.

a. Ex. 2479, T. 20529.  
 b. Ex. 249, T. 3363.



Chinese territory in violation of international law  
and that no permission had been obtained from the  
Chinese.<sup>c</sup> Goette testified that on the night of  
July 7, 1937, he dined with the United States Amba-  
sador, the military attache Colonel Stillwell, and  
Colonel Marston of the Marine Corps, and they all  
discussed at length the potentialities of that  
night's maneuver, since it was being conducted at  
night west of Peiping near an important railway  
bridge and not at the usual place set aside for man-  
euvers of the International Guards.<sup>d</sup> The maneuvers  
were also deliberately provocative in that the Japanese  
failed to give notice to the Chinese of their inten-  
tion to hold them in accordance with agreement.  
Although the supplement to the Boxer Protocol per-  
mitted maneuvers to be held without giving notice,  
General Ching and the Japanese garrison commander had  
entered into an agreement whereby the Japanese agreed  
to notify the Chinese in case of night field maneuvers,  
so that they could in turn notify the inhabitants and  
thus avoid misunderstandings and clashes.<sup>e</sup> This  
agreement testified to by General Ching was admitted

E-34.

c. Ex. 198, T. 2326.

d. T. 3759-61.

e. T. 2396-2400.

by defense witnesses HASHIMOTO and KAWABE.<sup>f.</sup> In  
1 addition, Magistrate Wang testified that the Japanese  
2 battalion commander had agreed to give notice if the  
3 Japanese decided to maneuver with loaded weapons, and  
4 that in practice they had theretofore given such  
5 notice.<sup>g.</sup> General Ching testified that on the night  
6 in question no notice was given and that Regimental  
7 Commander Chi did not even know that the maneuvers  
8 were being conducted.<sup>h.</sup> Colonel Barrett testified  
9 that ball ammunition was fired in the Marco Polo  
10 clash and that no one had ever suggested in the  
11 course of his investigation of the matter that blank  
12 cartridges were used in the maneuver of the night of  
13 July 7, 1937.<sup>i.</sup>

15 E-35. In holding deliberately provocative  
16 maneuvers, the Japanese intentionally set the stage  
17 for the occurrence of an incident which would serve  
18 as a pretext for taking Lukouchiao. The situation was  
19 such that an incident would occur either through some  
20 slight Chinese action brought about by the intense  
21 provocation, or through some Japanese action designed  
22 to place the blame on the Chinese. As might have been  
23

24 E-34.

25 f. Ex. 2479, T. 20529; Ex. 2487, T. 20622, T. 20648.  
g. Ex. 248, T. 3320-1.  
h. Ex. 198, T. 2326-7.  
i. T. 21860-1.



1 expected in such an explosive situation, an incident  
2 did occur or, more accurately, was alleged to have  
3 occurred. The Japanese alleged that in the course of  
4 their maneuvers on the night of July 7, 1937, they  
5 were fired upon by Chinese soldiers from the walled  
6 city of Wanping and that in the resulting confusion  
7 one of their men was missing. They, therefore, demanded  
8 the right to search the city.<sup>a</sup> Upon the basis of all  
9 the evidence in the case, it is respectfully submitted  
10 that it is clear that the whole incident was a product  
11 of the Japanese imagination designed to serve as a  
12 pretext for action. This is borne out by the fact  
13 that of all the witnesses for the defense on this  
14 point only one, KAWABE, testified as to this Japanese  
15 version and yet he was admittedly not in the area on  
16 the night of July 7.<sup>b</sup> Of the defense witnesses who  
17 were on the spot or near the area at the time, SAKURAI  
18 merely testified that he received notice that there  
19 was trouble,<sup>c</sup> and HASHIMOTO, Gun, who testified at  
20 length about everything else, zealously avoided dis-  
21 cussing the events of the night of July 7.<sup>d</sup> On the  
22 contrary, General Ching, who was at the spot and ordered  
23

24 E-35.

- 25 a. Ex. 198, T. 2326.  
b. Ex. 479, T. 20530.  
c. Ex. 2480, T. 20555.  
d. Ex. 2487, T. 20611-67.

1 an investigation, testified that the Chinese had not  
2 fired and that the Regimental Commander in charge of  
3 the soldiers who were supposed to have done the firing  
4 did not even know that the Japanese were maneuvering  
5 in the area,<sup>e</sup> and Wang who made an investigation,  
6 found no missing soldier.<sup>f</sup> Ching further testified  
7 that on the 9th, the Japanese reported that the missing  
8 soldier had been found.<sup>g</sup> The absence of any testimony  
9 from the defense on this latter point is more than  
10 strongly indicative that no soldier was missing at  
11 any time. Moreover, all the circumstances surrounding  
12 the incident followed closely the pattern of the Mukden  
13 Incident but avoided its pitfalls. Also, according  
14 to the defense's own testimony, all the responsible  
15 officers, except the commander who was on his death bed  
16 and the chief of staff, were away on investigation and  
17 maneuvers.<sup>h</sup> This time they did avoid the situation of  
18 Chinese corpses being found in positions inconsistent  
19 with the Japanese version; instead, they used the story  
20 of a missing soldier, but never explained that if he  
21 were missing as the result of Chinese firing from the  
22 walled city on the maneuver area, why they expected to  
23 find him within the city.

25 E-35.

e. Ex. 198, T. 2327.

g. Ex. 198, T. 2330.

f. Ex. 248, T. 3321-2.

h. Ex. 2487, T. 20619-20.



E-36. Immediately on learning of the  
 1 alleged incident, General Ching ordered Magistrate  
 2 Wang to make an investigation and ordered Commander  
 3 Chi to prepare for the defense of the area, giving  
 4 instructions that the Chinese were not to open fire  
 5 if the Japanese did not fire first.<sup>a</sup> When the Japan-  
 6 ese again demanded that their soldiers be allowed to  
 7 enter and search the town, the Chinese agreed to the  
 8 appointment of a joint investigation committee.<sup>b</sup>  
 9 Although the Japanese commissioners tried to induce  
 10 the Chinese to negotiate under pressure of the pres-  
 11 ence of Japanese troops, the Chinese insisted that  
 12 negotiations be preceded by preliminary investigation  
 13 according to agreement.<sup>c</sup> When the commission arrived  
 14 on the spot, a Japanese unit was already drawn up,  
 15 had encircled the city on three sides and had taken  
 16 up field positions.<sup>d</sup> While the commission was inside  
 17 the city, the Japanese opened fire and the battle was  
 18 on.<sup>e</sup> The story as told by Ching and Wang was corrob-  
 19 orated by Colonel Barrett from his own independent  
 20 investigation<sup>f</sup> and by Goette, who found the Japanese

22 E-36.

- 23 a. Ex. 198, T. 2328-9.  
 24 b. Ex. 198, T. 2329; Ex. 248, T. 3322-3.  
 25 c. Ex. 248, T. 3323-4.  
 d. Ex. 248, T. 3323-4; Ex. 198, T. 2329.  
 e. Ex. 248, T. 3324-6; Ex. 198, T. 2329-30.  
 f. Ex. 249, T. 3357.

reluctant to give any information.<sup>g</sup> While the  
 1 defense attempted to assert that the Chinese fired  
 2 first, defense witness HASHIMOTO in his affidavit  
 3 admitted that on July 8, after the committee was set  
 4 up, he received a report that the Japanese had attacked  
 5 the Chinese at Lungwangmiao.<sup>h</sup> The evidence is thus  
 6 clear that the Japanese opened hostilities.

7  
 8 E-37. The initial battle, which continued  
 9 throughout the day, was concluded on July 9 by a truce  
 10 which provided that all military action stop, that  
 11 troops on both sides return to their respective posi-  
 12 tions, that garrison duty of the city be taken over  
 13 by the Peace Preservation Corps and that both sides  
 14 refrain from developing future incidents.<sup>a</sup> Having  
 15 signed the truce, the Japanese did nothing in compli-  
 16 ance with it but did everything to prevent it from  
 17 being carried out. They prevented by military force  
 18 the Peace Preservation Corps from taking over their  
 19 duties until the force had been halved.<sup>b</sup> Although  
 20 the Chinese withdrew their units to the original line,  
 21 the Japanese left a part of their troops along the  
 22 railway tunnel, under the pretext of finding corpses,  
 23

24 E-36.

25 g. T. 3763.  
 h. Ex. 2487, T. 20622.

E-37.

a. Ex. 198, T. 2330-1;  
 Ex. 248, T. 3326.  
 b. Ex. 248, T. 3326-7.



1 and these troops again fired on the city.<sup>c</sup> There  
2 were sporadic clashes which the Japanese charged were  
3 started by the Chinese. However, defense witnesses  
4 KAWABE, SAKURAI and HASHIMOTO all agreed that the  
5 Chinese did not fire on the Japanese until there was  
6 firing from a midpoint, which HASHIMOTO fixed at a  
7 point closer to the Japanese side. They placed the  
8 blame on some unnamed third group which they allege  
9 did it to foment trouble.<sup>d</sup> Yet, it has not been  
10 shown that there was any third group present in the  
11 area at the time. If, without saying so directly,  
12 the accused mean to intimate that this anonymous  
13 third group was the communists, they are faced with  
14 the fact that an independent observer, Colonel Barrett,  
15 was unable to find any evidence whatsoever of com-  
16 munist activity behind the trouble in the course of  
17 his investigation.<sup>e</sup> The activities of the Japanese  
18 themselves confirm the finding of Colonel Barrett that  
19 the incident could have been settled at any time if  
20 the Japanese had so desired.<sup>f</sup>  
21

22  
23  
24 E-37.

25 c. Ex. 248, T. 3327-9.

d. Ex. 2479, T. 20535; Ex. 2480, T. 20557-8;  
T. 20663.

e. T. 21861-2.

f. Ex. 249, T. 3358.

E-38. Rather than revealing any Japanese desire to halt the matter, the evidence is convincing that the Japanese were utilizing the truce only as a delaying tactic to give them an opportunity to increase their forces and to redistribute them. Testimony offered by both the prosecution and the defense, including that of independent observers, showed that the Japanese immediately increased their forces with troops from Korea and Manchuria.<sup>a.</sup> The units were sent to the Peiping and Tientsin areas.<sup>b.</sup> By July 12, there were 20,000 Japanese troops and 100 airplanes.<sup>c.</sup>

E-39. Fighting broke out again on July 14.<sup>a.</sup> According to the defense's testimony, the Japanese then made certain demands on the Chinese to be fulfilled by July 19, and the demands were accepted by General Sung on the 18th.<sup>b.</sup> Learning on the 25th that the Chinese were moving troops to the north and claiming that the Chinese were not carrying out the terms of the truce, on July 26 the Japanese issued an ultimatum requiring inter alia, that the 37th Division in Peiping be moved by noon of the 28th, in

E-38

- a. Ex. 249, T. 3363; 21837-8; Lx. 248, T. 3330  
 Ex. 198, T. 2331; Lx. 2487, T. 20629  
 b. Ex. 198, T. 2331; Ex. 249, T. 3358-9  
 c. Ex. 58, T. 3300

~~E-39~~ a. Ex. 198, T. 2331 b. Ex. 2487, T. 20624-6



default of which the Japanese would attack in force. <sup>c.</sup>

1 Knowing full well that nothing but complete surrender  
2 and evacuation -- leaving the area to the Japanese --  
3 would satisfy the Japanese, the Chinese on the 27th  
4 counter-attacked at Lukouchiao and Fengtai. <sup>d.</sup> On the  
5 28th the Japanese attacked at Nanyuan <sup>e.</sup> and hostili-  
6 ties continued until the close of the war in 1945.  
7 The Japanese immediately occupied Peiping and Tient-  
8 sin and seized the railways. <sup>f.</sup> Following the occupa-  
9 tion of Peiping, the Japanese Army proceeded with a  
10 three-pronged drive down the Peiping-Tientsin Railway  
11 toward Shantung, down the Peiping-Hankow Railway and  
12 up to the Peiping-Suiyuan Railway, which the Japanese  
13 Army spokesman, according to Goette, described as  
14 <sup>g.</sup> major war.  
15

16 E-40. As the army was moving steadily ahead  
17 toward its objective in China, it was being ably  
18 assisted by the conspirators in Tokyo. On July 9,  
19 immediately after the first fighting took place, the  
20 KONOYE Cabinet in an extraordinary session decided  
21 that the government attitude would be to hold fast  
22 to the policy of arresting the scope of the disturb-  
23 ance and to seek an immediate local settlement. <sup>a.</sup>

24 E-39 c. Ex. 2487, T. 20630-1; Ex. 248, T. 3331;

Ex. 198, T. 2331-2

25 d. Ex. 198, T. 2332

f. Ex. 58, T. 3301

c. Ex. 248, T. 3331

g. T. 3736

E-40 a. Ex. 3260, T. 29684-5

Notwithstanding the decision to seek a peaceful  
 settlement, the General Staff on July 10 decided to  
 reinforce the garrison by sending two brigades from  
 the Kwantung Army, one division from Korea and  
 three divisions from Japan.<sup>b.</sup> This army proposal  
 was approved on July 11 by the KONOYE Cabinet in  
 which the accused KAYA and HIROTA were members.<sup>c.</sup>  
 However, on the night of the 11th, it was decided to  
 send only the forces from Korea and Manchuria for the  
 time being.<sup>d.</sup> On July 13, the Supreme Command adopted  
 the "Policy for the Treatment of the North China  
 Incident,"<sup>e.</sup> which, as defense witness TANAKA, Shinichi,  
 testified, provided that while they would follow the  
 localization policy and would decide mobilization of  
 homeland forces in the light of the future, if the  
 Chinese neglected the terms or showed no sincerity or  
 removed their troops to the north, Japan would take  
 resolute steps.<sup>f.</sup> In view of the fact that the  
 Japanese troops themselves were making it impossible  
 for the truce to be carried out, the decision can  
 only be construed as one to take action. After the  
 17th, the Central Command in Tokyo proceeded to

E-40

b. Ex. 2582, T. 21986 c. Ex. 3260, T. 29687-9  
 d. Ex. 2582, T. 21987  
 e. Ex. 2486, T. 20680; Ex. 2582, T. 21989-90  
 f. Ex. 2488, T. 20681; Ex. 2582, T. 21990



1 prepare for homeland mobilization which had been  
 2 interrupted on the 11th, and even after Sung had come  
 3 to terms on the 18th, the Central Command pushed for-  
 4 ward with preparations of mobilization orders on the  
 5 pretense that Nanking had shown no sincerity.<sup>g.</sup> On  
 6 the 20th, the Cabinet authorized mobilization of three  
 7 divisions.<sup>h.</sup> On July 27, mobilization orders were  
 8 issued for four divisions, and on the 28th, the  
 9 Central Command gave approval for the use of force  
 10 to chastise the Chinese 29th Army.<sup>i.</sup> This fast mov-  
 11 ing series of events, considered in view of their  
 12 coordination with the military movements in the battle  
 13 area, show clearly that the avowed policy of peaceful  
 14 settlement was conditioned on Japan's demands being  
 15 fully met.

16 E-41. Any chance that there might have been  
 17 for a peaceable settlement was considerably weakened  
 18 by the second part of the Cabinet decision of July 9  
 19 that the settlement must be made locally. On July 11,  
 20 steps were taken to strengthen the diplomatic staff  
 21 in North China,<sup>a.</sup> and Counsellor HIDAKA was instructed  
 22 by the Foreign Office to notify Nanking of the in-  
 23 tention to settle the matter locally and to request  
 24

25 E-40 g. Ex. 2582, T. 21993-4 E-41  
 h. Ex. 3260, T. 29690 a. Ex. 260, 3487-8  
 i. Ex. 2582, T. 21995-6

that Nanking not obstruct the efforts.<sup>b.</sup> When the Chinese Foreign Office pointed out that any local understanding would go into effect upon confirmation by the Central Government, HIDAKA, on July 17, was instructed to demand that Nanking not obstruct the agreement reached on the spot.<sup>c.</sup> In a speech in the Diet on the same day, HIROTA called for a local settlement.<sup>d.</sup> The purpose of insisting on a completely local settlement is abundantly evident. If Nanking could be forced to agree, the local authorities, deprived of the support of their central government, would be considerably weakened and compelled to accept all Japan's demands. Furthermore, the result would be tantamount to full recognition of complete autonomy in all matters for North China, which Japan strongly desired and which China equally strongly had refused to grant.

E-42. With the capture of Peiping, Japan had obtained its objective for the time being. Accordingly, on August 5, 1937, KONOYE, HIROTA, and the War and Navy Ministers approved a draft of terms, the main points of which defense witness HORINOUCI stated

E-41

- b. Ex. 3273, T. 29903; Ex. 3260, T. 29690
- c. Ex. 3273, T. 29903-5; Ex. 2495, T. 20803  
Ex. 2496, T. 20805
- d. Ex. 2497, T. 20817-20



1 were the establishment of unfortified zones along  
2 the Pei-Ho River, the withdrawal of both Japanese and  
3 Chinese troops from the area specified, no annexation  
4 of territories and no indemnities.<sup>a.</sup> On the basis of  
5 these terms, FUNATSU was sent to China to begin  
6 negotiations, which, however, were brought to an  
7 abrupt end by the further extension of hostilities  
8 to Shanghai.<sup>b.</sup>

9 E-43. As in many of the other incidents,  
10 the Japanese again had a pretext for the Shanghai  
11 hostilities that broke out in August in the killing  
12 of Lt. OYAMA and a sailor on August 9. While a great  
13 deal of testimony was introduced by the defense with  
14 respect to this killing, the entire line of testimony  
15 on the matter is completely devoid of any relevancy  
16 to this proceeding since the Japanese Government  
17 never claimed that this killing was the cause of the  
18 hostilities. In fact on September 2, 1937, Foreign  
19 Minister HIROTA denied that this incident had anything  
20 to do with the matter and asserted that the reason  
21 for the outbreak of hostilities was that China, in  
22 violation of the truce of May 15, 1932, had rushed  
23 troops into the forbidden area, strengthened the

24 E-42

25 a. Ex. 3260, T. 29692

b. Ex. 3260, T. 29693-4

a.  
Peace Preservation Corps, and provoked the Japanese.

1 The real point of dispute grew out of the truce of  
2 May 15, 1932. While China had accepted and agreed  
3 that her troops would remain in the positions they  
4 then occupied, she had declared at the time that  
5 nothing in the agreement implied a permanent re-  
6 striction on the movement of Chinese troops in Chinese  
7 territory. b.

8 In June of 1937, acting on reports  
9 that the Chinese were reinforcing the Peace Preser-  
10 vation Corps in what he termed "the forbidden area"  
11 and were constructing and reconstructing fortifica-  
12 tions there, Consul-General OKAMOTO called for a  
13 meeting of the joint committee set up under the  
14 Cease Fire Agreement. c.

15 At the meeting on June 23,  
16 the Chinese took the position that the matter was  
17 not within the province of the joint commission,  
18 whose only duty, it stated, had been to supervise  
19 the withdrawal of forces. d.

20 The representatives of  
21 the participating powers concluded that they could  
22 not express an opinion on conflicting interpretations.  
23 While stating that he was not authorized to give any  
24 information on Chinese action in the area, the Chinese

25 E-43

a. Ex. 2503, T. 20876-7

b. Ex. 58, T. 3302

c. Ex. 2515, T. 21152-3

d. Ex. 2517, T. 21182-6



1 representative did assure that nothing undertaken in  
2 the area had any hostile intention or warlike prepar-  
3 ation.<sup>e.</sup> On August 9, the OYAMA Incident occurred,  
4 and on August 10, according to defense witness  
5 TANAKA, Shinichi, the army was notified by the navy  
6 that for the time being they would take no further  
7 steps until assured of the sincerity of the Chinese,  
8 but circumstances might require preparations for  
9 sending troops. The government decided that it was  
10 worthwhile to study the proposal for eventual mobili-  
11 zation.<sup>f.</sup>  
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E-43

e. Ex. 2517, T. 21188-9  
f. Ex. 2488, T. 20698-9

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On August 12, another meeting of the joint  
 1 commission was held in Shanghai. While the Chinese  
 2 delegate continued to maintain that the commission had  
 3 no authority in the premises, he stated that he would  
 4 be grateful if the members in their regular capacity  
 5 made efforts toward averting a clash.<sup>g.</sup> The Chinese  
 6 delegate also pointed out that on the 11th he had  
 7 agreed with the Japanese consul that if there were no  
 8 truth in the report that heavy Japanese naval reinforce-  
 9 ments had arrived, he would agree to withdraw part of  
 10 the Peace Preservation Corps, but thereafter the prev-  
 11 ious reports were confirmed.<sup>h.</sup> Consul-General OKAMOTO,  
 12 a defense witness, did not deny this statement either  
 13 at the time or on the witness stand. It could not  
 14 be denied because defense witness TAKEDA admitted that  
 15 on August 10 or 11th, 1000 men arrived from Japan and  
 16 that by noon on the 11th there was a relatively large  
 17 fleet in the harbor.<sup>i.</sup> At the meeting on August 12,  
 18 when the parties were asked to give their assurances  
 19 not to make an attack within forty-eight hours, while  
 20 the Chinese gave assurance that they would not attack  
 21 unless they were attacked, the Japanese would only say  
 22 that the Japanese would cause no trouble unless provoked  
 23  
 24 (E-43. g. Ex. 2516, T. 21190-21200.  
 25 h. Ex. 2516, T. 21309-10.  
 i. T. 21301-2.)



or challenged, and defined provocation as including  
1 the arrest of a newspaperman.<sup>j.</sup>

2 Thus, before any clash had yet occurred, the  
3 Japanese had increased their naval forces and were  
4 contemplating increasing their military forces. They  
5 knew that the Chinese would not attack unless they were  
6 attacked. The Japanese had given notice that they would  
7 attack if provoked according to the Japanese idea of  
8 provocation.

9 E-44. The clash, as might have been expected,  
10 occurred on August 13, allegedly because the Chinese  
11 fired on the naval landing party. Considering both  
12 previous and subsequent events, the fact whether the  
13 Chinese or Japanese fired the first shot is totally  
14 immaterial, but it should be noted that OKAMOTO placed  
15 the alleged shooting at the China Press Building,<sup>a.</sup>  
16 while the other defense witness, TAKEDA, placed it at  
17 the Commercial Press, an entirely different building  
18 in a different area.<sup>b.</sup> As soon as the clash occurred  
19 on the 13th, the KONOYE Cabinet took up the matter of  
20 reinforcement, and on the 15th made a public statement  
21 that it was sending two divisions.<sup>c.</sup> At the same time,  
22 according to defense witness TANAKA, Shinichi, the  
23 (E-43. j. Ex. 2516, T. 21311-3.) (E-44. a. T. 21228-9  
24 b. T. 21315  
25 c. Ex. 2488,  
T. 20699.)

d.  
Cabinet decided to abandon the policy of localization.

1 E-45. From then on the area of conflict  
2 apread rapidly. On October 6, 1937, the League of  
3 Nations found that by the end of September under the  
4 protection of thirty-eight warships, Japanese reinforce-  
5 ments, estimated by the Chinese at 100,000, had been  
6 landed. The army had extended its military action  
7 into the Yangtse Valley, and the capital and the in-  
8 terior had been bombed. The fleet, in addition to  
9 aiding the army, was patrolling the coast to prevent  
10 supplies from being brought in. Japan was continually  
11 intensifying the action and was using larger and larger  
12 forces and more powerful armaments.<sup>a.</sup> The Chinese  
13 estimated that the Japanese had 350,000 troops in  
14 China by the end of September, while it was admitted  
15 by defense witness TANAKA that by the end of October  
16 Japan had fifteen divisions in China.<sup>b.</sup> By the end of  
17 1937, the Japanese had captured Nanking, the capital  
18 of China and the capital of Chahar, Hopei, Suiyuan,  
19 Shansi, Chekiang, and Shantung provinces.<sup>c.</sup>

21 E-46. The speed with which the area of  
22 fighting was expanding and the momentum of the movement  
23 which was taking Japan deeper and deeper into the heart

24 (E-44. d. Ex. 2488, T. 20700.)

25 (E-45. a. Ex. 58, T. 3305-6.

b. Ex. 2488, T. 20685.

c. Ex. 254, T. 3430.)



of China presented a serious problem to the conspirators. The action was going ahead too fast, and it had got beyond their control. When they had begun their action at Lukouchiao, it had then been done solely with the purpose in mind of obtaining control of Peiping and thus completing their control of North China. To insure the successful fulfillment of the conspiracy, it would have been better if military action had stopped with the capture of Peiping and Japan had had an opportunity to consolidate its gains in Manchuria and North China before proceeding with the next step; but the action had gone far beyond expectations and showed definite points of danger which might bring about the failure of the entire conspiracy. It was not that the conspirators did not intend to move forward into the rest of China; that had definitely been decided upon as a national policy during the HIROTA Cabinet in 1936. It was merely a question of proper timing. While the taking over of Manchuria and North China had been relatively simple and had not brought Japan into open conflict with powers other than China, further movement presented serious dangers of conflicts with such third powers. On the one hand, the deeper Japan moved into China and toward the South, the greater became the possibilities that Japan would

1 come into open conflict with other powers having in-  
2 terests in China and the southern regions. This had  
3 been fully recognized in the plan of 1936, and it had  
4 been decided that the entire country would be mobilized  
5 for war. As yet, however, preparations for war, as will  
6 be seen later, had not yet gone beyond the period of  
7 drafting concrete plans.

8 E-47. Already in the first six months of  
9 fighting, the expected danger of conflict with other  
10 powers in China had been fully demonstrated. On August  
11 26, 1937, two Japanese planes had machine-gunned and  
12 bombed two motor cars containing British officials,  
13 wounding the British Ambassador.<sup>a.</sup> On December 11,  
14 1937, in the course of the blockade of China, a Japan-  
15 ese artillery unit under the command of the accused  
16 HASHIMOTO had shelled the British vessel Ladybird and  
17 taken it into custody.<sup>b.</sup> On December 12, 1937, in the  
18 course of the same blockade, the U.S.S. Panay had been  
19 machine-gunned and bombed without warning and the vessel  
20 sunk.<sup>c.</sup> As yet, Japan had been able to smooth over  
21 these instances by making apologies and paying repara-  
22 tions. However, the danger of the recurrence of such  
23 instances was constantly increasing and might precipitate  
24

25 (E-47. a. Ex. 265, T. 3538-41.

b. Ex. 258, T. 3466-7; Ex. 2188, T. 15678.

c. Ex. 263, T. 3517-25; Ex. 964, T. 9478-80.)



Japan into a war with third powers. Accordingly,  
1 the best policy in furthering the conspiracy would be  
2 to stop the fighting temporarily, keeping all that had  
3 been gained, and to prepare adequately for the next  
4 step.  
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1 E-48. However, the method to be used in bring-  
2 ing hostilities to a close presented a very serious  
3 problem. Direct negotiation with China was impossible.  
4 As shown before, it had been tried but had failed as  
5 the hostilities had spread to the Shanghai area. Settle-  
6 ment through international organizations pursuant to  
7 treaties was also out of the question. This was against  
8 Japanese policy.<sup>a.</sup> Such intervention might mean the  
9 loss of all Japan had acquired on the continent. The  
10 League of Nations had found against Japan in its in-  
11 quiry on the Manchurian question, and Japan had with-  
12 drawn from the League. It was all the more likely to  
13 find against Japan in this instance, where Japan had no  
14 claim whatsoever to a special position in China similar  
15 to the one she maintained she possessed in Manchuria.  
16 If the matter were to be handled by an international  
17 organization, inevitably the question of treaty obli-  
18 gations would have to be considered. The authorities  
19 in Japan well knew that their actions were in direct  
20 contravention of their treaty obligations. As early  
21 as September 13, 1932, Privy Councillor OKADA had  
22 stated that the recognition of Manchukuo was a violation  
23 of the Nine Power Treaty and that a comparison of the  
24 secret agreements with Manchukuo with the Nine Power  
25 (E-48. a. T. 29788.)



b. .  
Treaty showed quite a number of points in conflict.  
If a violation had been recognized then, it was even  
more apparent that there was a violation in the present  
instance.

E-49. In fact, on September 12, 1937, before  
Japan had decided to bring a stop to the hostilities,  
China had already appealed to the League of Nations.  
On September 25, Japan had refused the League invita-  
tion to participate in the consultative committee.  
On September 27, the League of Nations had condemned  
the serial bombardment of open cities in China by  
Japan,<sup>c.</sup> and on the 28th, the United States had con-  
curred in the finding.<sup>d.</sup> On October 6, 1937, the  
League had found that Japan's conduct was prima facie  
inconsistent with her obligation to respect China's  
independence and sovereignty and not to seek the solu-  
tion of a dispute with China except by pacific means.  
The League concluded that Japan's military operations  
were out of proportion to the event which caused the  
conflict, that such operations could not be justified  
on the basis of existing legal instruments or on self-  
defense and that they were in contravention of the

(E-48. b. Ex. 241, T. 2983-4.)

(E-49. a. Ex. 271, T. 3645

b. Ex. 3260, T. 29696.

c. Ex. 958, T. 9462.

d. Ex. 959, T. 9463.)

obligations under the Nine Power Treaty and the Pact  
 of Paris.<sup>e.</sup> These conclusions were on the same day  
 concurred in by the United States.<sup>f.</sup> The League had  
 then adopted a resolution expressing its moral support  
 of China and recommended that its members refrain from  
 taking any action which would weaken China's powers of  
 resistance or would increase her difficulties.<sup>g.</sup>

E-50. Not only did Japan refuse to allow the  
 matter to be handled by the League, but she also opposed  
 conferring with the signatories to the Nine Power Pact  
 as she was bound to do by the terms of that instrument.  
 On October 20, 1937, Belgium called a conference of  
 the Signatory States for October 30 to study amicable  
 means of hastening the end of the conflict.<sup>h.</sup> On  
 October 27, Japan declined, stating that an attempt  
 to seek a solution with so many powers with varying  
 or no interests in Asia would only complicate the situ-  
 ation and put serious obstacles in the path of a just  
 solution.<sup>b.</sup>

Defense witness HORINOUCI attempted to  
 justify this action by stating that since the obliga-  
 tion of the treaty was "to communicate", this could be  
 done through ordinary channels without participating

(E-49. e. Ex. 58, T. 3309-11.

f. Ex. 963, T. 9476.

g. Ex. 617A, T. 6818-9.)

(E-50. a. Ex. 954A, T. 9444-5.

b. Ex. 954B, T. 9446-50.)



1 in a conference, and failure to participate was, there-  
2 fore, not a violation. However, he admitted that  
3 participation would have been detrimental to Japan's  
4 internal affairs.<sup>c.</sup> He might well have added that it  
5 would have been ruinous to Japan's program in China.

6 E-51. The only alternative which would avoid  
7 the danger of Japan having to give up her gains was to  
8 have some sort of mediation carried on by a third  
9 power friendly to Japan. This was the alternative  
10 selected, and the terms to be offered were drawn up.  
11 The plan used, according to HORINOUCI, was to avoid  
12 third party intervention and arbitration but to use the  
13 good offices of a third power to bring about direct  
14 negotiations with China.<sup>c.</sup> The choice of the proper  
15 third party also presented a problem. In July, Britain  
16 had offered her services, and the United States had  
17 offered her services short of mediation.<sup>b.</sup> In answer  
18 to HIROTA's invitation of October 27, 1937, to the  
19 Ambassadors from the United States, Britain, Germany  
20 and Italy to use their good offices to bring about dir-  
21 ect peace negotiations on the basis of the August plan,  
22 Craigie had offered his country's services, and Grew  
23 had made the same offer on condition that both Japan  
24

25 (E-50. c. Ex. 3260, T. 29698.)

(E-51. a. T. 29790.

b. Ex. 3260, T. 29691-2.

1 and China ask for it.<sup>c.</sup> However, the army, which had  
2 been growing closer to Germany, disapproved of using  
3 Britain and the United States as the intervening powers.  
4 Germany was selected and on November 5, the German  
5 Ambassador presented to China, Japan's terms,<sup>d.</sup> which  
6 were the terms proposed by HIROTA in August and which  
7 specifically included a provision for no indemnities.<sup>e.</sup>  
8 /s late as December 2, 1937, the German ambassador  
9 assured China that Japan had stated that despite her  
10 military successes, the terms proposed early in  
11 November were still to stand, and China replied that  
12 she was prepared to take the proposals as a basis for  
13 discussion.<sup>f.</sup>

14 THE PRESIDENT: We will recess for fifteen  
15 minutes.

16 (Whereupon, at 1445, a recess was  
17 taken until 1500, after which the proceedings  
18 were resumed as follows:)  
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20  
21

22 (E-51. c. Ex. 3260, T. 29699-700.  
23 d. Ex. 486B, T. 5983.  
24 e. Ex. 3260, T. 29701.  
25 f. Ex. 486b, T. 5983-4.)



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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Sutton.

4 MR. SUTTON: If the Tribunal please.

5 E-52. However, as the victories progressed,  
6 certain of the conspirators began to feel that more  
7 could be obtained from China through negotiations  
8 with German assistance than through the proposals  
9 drawn up in August. Even before Germany had been  
10 asked to intervene, Premier KONOYE, Foreign Minister  
11 HIROTA, and the War and Navy Ministers had considered  
12 this possibility and had approved on October 1, 1937,  
13 "An Outline Regarding the Settlement of the China  
14 Incident." This document provided that the incident  
15 would be speedily ended by military force and diplo-  
16 matic action to make China abolish her anti-Japanese  
17 and pro-communist policies with the main object  
18 of establishing harmony and co-prosperity among  
19 Japan, Manchuria, and China. Military operations were  
20 to be taken toward occupying certain points so as  
21 to have China relinquish hostile intentions, and  
22 diplomatic measures were to be taken toward China and  
23 third powers to induce China into the position de-  
24 sired. Land forces were to operate principally in  
25 the Hopei-Chahar and Shanghai areas. Japan then

1 would be mobilized for war. In North China, no  
2 separate administration would be conducted although  
3 proper guidance would be given, but security would  
4 be maintained under military forces. Management  
5 of communication and exploitation of natural re-  
6 sources for military purposes would be controlled  
7 by Japan and matters relating to commerce, economic  
8 and finance would be regulated by Japan to make  
9 China give up her hostile attitude.  
a.

10 E-53. Japan's minimum demands under the  
11 plan were as follows: (1) that Japan could station  
12 troops, being willing if necessary to voluntarily  
13 reduce her forces to the number at the outbreak of  
14 the incident; (2) that the Tangku Truce would be  
15 continued, while the DOHIHARA and UMEZU agreements  
16 would be dissolved; (3) that central China forces  
17 in Hopei would be withdrawn and control over anti-  
18 Japanism and pro-communism there enforced; (4) that  
19 while the two North China political councils would be  
20 abolished and the administration conducted by Nanking,  
21 the officials should be friendly to Japan; (5) that  
22 there would be an agreement for economic collaboration  
23 under joint management on equal footing; (6) that  
24 a designated demilitarized zone be set up around  
25 E-52. a. Ex. 3262, T. 29772-86.



Shanghai; (7) that China formally recognize Manchukuo;  
 (8) that an anti-Comintern Pact be concluded; (9)  
 that especially strict anti-communist control be  
 enforced in the North China demilitarized zone;  
 (10) that China would control anti-Japanism espe-  
 cially in demilitarized areas; (11) that China pay  
 indemnity for direct damage to Japanese properties  
 and rights for which China had assumed responsibility  
 to protect, and for direct damages due to illegal use  
 or disposal of Japan's property; and (12) that a  
 large scale joint syndicate be set up to engage in  
 marine transportation and aviation and to operate  
 the railroads, and the gold, iron, and coal mines in  
 North China, agriculture and other enterprises.<sup>a.</sup>

E-54. By the middle of December, with the  
 increasing Japanese victories and the fall of Nanking,  
 the Chinese capital, definite steps were taken by the  
 conspirators who wished to gain the maximum benefits  
 at this time to increase the demands on China. On  
 December 20, a Liaison Conference was held which  
 decided upon the four terms for peace to be offered  
 to China.<sup>a.</sup> These terms were that (1) China should  
 abandon her pro-communist and anti-Japanese policies  
 and collaborate with Japan and Manchukuo in an anti-  
 communist policy; (2) demilitarized zones would be

E-53. a. Ex. 3262, T. 29772-86.  
 E-54. a. Ex. 3260, T. 29702.

established in necessary areas under special administrative machinery; (3) close economic relations were to be concluded among the three nations; and (4) China was to make necessary reparations.<sup>b.</sup> The details were in substance the minimum demands contained in the outline of October 1.<sup>c.</sup> A reply was demanded for the end of the year, but it might be prolonged until January 10, 1938.<sup>d.</sup> The terms were submitted to China through Germany on December 27.<sup>e.</sup> Pressure was put on China through Germany to accept the terms quickly. On January 10, 1938, TOGO told von Neurath that peace conditions would be harder if the war continued longer. and that, if Chiang Kai-shek did not accept Japan's terms, peace would be made with each provincial governor.<sup>f.</sup> On the same day, having seen items in the press on continuation of the war and of a break in negotiations, Dirksen made inquiry of and was told by HIROTA that Japan expected an answer, but must insist on speed, and that the decisions appearing in the press items were measures to be taken in case of China's refusal.<sup>g.</sup> However, the conspirators were not too confident that their terms would be

E-54, h. Ex. 270, T. 3619-20; Ex. 3260, T. 29702-3.

c. Ex. 270, T. 3620-2.

d. Ex. 270, T. 3620.

e. Ex. 486B, T. 5984.

f. Ex. 486D, T. 5991.

g. Ex. 486F, T. 5993.



accepted. Even earlier, on December 24, 1937, the  
 1 Cabinet had decided on the "Outline of Measures for  
 2 the China Incident" to be applied in the event that  
 3 China continued to resist.<sup>h.</sup> Furthermore, some of  
 4 the conspirators, in particular those from the army,  
 5 were not in favor of the terms offered. Among the  
 6 general staff, the opinion prevailed that the con-  
 7 ditions of the truce were so aggressive that they  
 8 might impair future diplomatic relations with China.<sup>i.</sup>  
 9 According to the accused KIDO, the army was in favor  
 10 of giving concrete terms and was most anxious to  
 11 press the peace solution, and he was the one that  
 12 led the battle to keep the terms more abstract.<sup>j.</sup> The  
 13 army thought the chance of failure so great that,  
 14 according to KIDO, it had firmly determined to  
 15 bring about peace at any cost.<sup>k.</sup> Defense witness  
 16 KAWABE testified that the General Staff advocated that  
 17 to secure peace with China definite and moderate  
 18 terms should be offered.<sup>l.</sup> The reason behind the  
 19 army's view was clearly fear of what might happen  
 20 in the event of war with the Soviet Union. ITAGAKI  
 21 testified that even six months later the Supreme  
 22

- 23 E-54. h. Ex. 3263, T. 29817.  
 24 i. Ex. 3265, T. 29856.  
 j. Ex. 3340, T. 30836-7.  
 25 k. Ex. 3340, T. 30836.  
 l. T. 22047-8.

1 Command saw important defects in defense against the  
2 Soviet, and had to aim at ending the Hankow operation  
3 and to devise measures for peace so as not to neglect  
4 national power against the Soviet.<sup>n.</sup> This feeling on  
5 the part of the army did not represent any abandon-  
6 ment of the object of the conspiracy. It meant only  
7 that the military men, with their knowledge of  
8 strategy, tactics and the needs of warfare, felt it  
9 better to consolidate the position in North China,  
10 to stop the warfare, and to prepare adequately against  
11 the contingencies of conflicts with third powers  
12 before advancing the area of aggression further.

13 E-55. To settle the differences between  
14 the government and the army it was decided to hold  
15 an Imperial Conference and to arrive at a decision  
16 binding upon all. On January 11, 1938, the Imperial  
17 Conference was held and a two-fold policy adopted.  
18 On the one hand, the conference decided that if  
19 China should ask for reconciliation, Japan would  
20 negotiate in accordance with the conditions of the  
21 negotiations for peace between Japan and China, these  
22 being the same terms already decided. On the other  
23 hand, if China did not reconsider, Japan would not  
24 only make the Chinese Government her opponent, but  
25 E-54. n. Ex. 3316, T. 30302-3.



1 would aid in forming a new government and would be  
 2 determined to annihilate the old or to absorb it into  
 3 the new. a.

4 E-56. On January 13, 1938, China replied  
 5 that the new terms were too broad in scope, and that  
 6 it desired to know the nature and content of the new  
 7 conditions in order to reach a definite decision. a.

8 On this being reported by Dirksen, HIROTA became  
 9 angry, declared the answer an evasion and stated that  
 10 China was beaten and Japan did not have to give any  
 11 information. When reminded that China had only  
 12 official knowledge of the four conditions and the rest  
 13 had been kept in an indefinite form at his own wish,  
 14 HIROTA agreed to take the matter up with the Cabinet. b.  
 15 According to KIDO, HIROTA reported the matter to the  
 16 cabinet, stating he had concluded there was no good  
 17 faith to be discerned on the part of China. On  
 18 January 14, 1938, it was decided not to deal with the  
 19 China Government. c.

20 E-57. This decision went far beyond that  
 21 of the Imperial Conference which had set forth the  
 22 details of the terms to be offered to China and had  
 23 decided that these terms would be the basis of  
 24

25 E-55. a. Ex. 3264, T. 29844-9.  
 E-56. a. Ex. 486B, T. 5984-5. c. Ex. ee40, T. 30838-9;  
 b. Ex. 486C, T. 5987-8. Ex. 2260, T. 16223;  
 T. 22055-6.

negotiations.<sup>a.</sup> The Imperial Conference decision

merely set forth the alternative roads that would be followed depending on China's attitude. The decision of January 14, 1938, definitely chose the road of continuing military operations against China. Even after the Imperial Conference and government decisions, according to the official records of the Imperial Conference, the General Staff insisted on efforts being made for reconciliation.<sup>b.</sup> To finally settle the

matter, it was decided to hold a Liaison Conference on January 15. KAWABE testified that TADA, vice-chief of staff, was extremely regretful of the government decision and expressed his opinion at length at the Liaison Conference.<sup>c.</sup> However, the government plan was finally accepted at the Liaison Conference, but the General Staff still maintained its belief that the reconciliation doctrine was desirable.<sup>d.</sup> On January

16, Premier KONOYE issued a public declaration in which he stated that Japan would no longer deal with the China National Government but would expect the establishment and development of a new government with which Japan would cooperate.<sup>e.</sup> With this decision and announcement the conspirators had firmly rejected

E-57. a. T. 22056-7. d. Ex. 3264, T. 29842.  
b. Ex. 3264, T. 29842. e. Ex. 268, T. 3563-5.  
c. T. 22056.



1 the advice of the strategists to make haste slowly,  
2 and had decided to go forward immediately with their  
3 aggressive activities in all of China.

4 2. THE PERIOD FROM JANUARY 16, 1938 to  
5 SEPTEMBER 2, 1945.

6 E-58. From the time of the announcement  
7 of January 16, 1938, until the close of the Pacific  
8 war in September 1945, Japan continuously waged  
9 aggressive war against China. She waged that war  
10 under the avowed policy that unless the Chinese  
11 National Government conceded to Japan all of her  
12 demands, she would destroy that government. On  
13 January 22, 1938, Premier KONOYE stated in the Diet  
14 that it was Japan's immutable national aim to bring  
15 permanent peace for East Asia on the foundation of  
16 close cooperation among Japan, Manchukuo, and China,  
17 and that the decision not to deal with the National  
18 government had been dictated by this policy.<sup>a.</sup> On  
19 the same day, HIROTA stated in the Diet that Japan had  
20 no territorial ambitions in China, but she wanted  
21 China to take the broad view and collaborate with  
22 Japan toward the ideal of cooperation for the common  
23 prosperity and well being of the two countries.  
24 However, the Chinese National Government had failed  
25 E-58. a. Ex. 972F, T. 9516-7.

1 to understand this, and this had led to the declara-  
2 tion of January 16, which he felt was the only way to  
3 realize Japan's ideal of securing the stability of  
4 East Asia through Sino-Japanese cooperation.<sup>b.</sup> In  
5 view of the national policy determined by the HIROTA  
6 Cabinet and the plans of the KONOYE Cabinet already  
7 considered, the blunt import of these two statements,  
8 stripped of the beguiling camouflage of high-sounding  
9 words, was simply that there would be peace in East  
10 Asia only upon Japan's own terms, and if those terms  
11 were not accepted there could be no peace. Whoever  
12 stood in the way of the accomplishment of Japan's aims  
13 must fall.

14 E-58. b. Ex. 972G, T. 9522-6.  
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E-59. The theme of these statements, in one form or another, was constantly reiterated during the remaining days of the KONOE Cabinet. On November 3, 1938, KONOE in a radio address boasted that Canton and Hankow, the heart of China called the "Middle Plain," the control of which gave control of all China, had fallen to the Japanese without Japan straining her fighting power which was at a level sufficient to ward off intervention from third powers. He considered it deplorable that Japan and all Asia had been thwarted by the mistaken policy of the Chinese National Government.<sup>a.</sup> On November 29, 1938, Foreign Minister ARITA told the Privy Council that it was Japan's policy not to make peace with Chiang Kai-shek, whether the proposal was made through a third party or directly, but if Chiang should abandon his pro-Comintern and anti-Japanese policy and merge with the New Central Government (which was not yet established), the matter would be reconsidered.<sup>b.</sup> On December 22, 1938, KONOE again stated that Japan was resolved to completely destroy the anti-Japanese National Government through military operations and to establish a new order in East Asia with the cooperation of far-sighted Chinese.<sup>c.</sup>

(E-59. a. Ex. 460-A, T. 5254-5.

b. Ex. 269, T. 3591.

c. Ex. 268, T. 3566; Ex. 2535, T. 21423-4.)

1 E-60. This policy was continued by KONOE's  
2 successors. Shortly after he became Premier, HIRANUMA,  
3 on January 21, 1939, stated that his cabinet was com-  
4 mitted to the same policy and was determined to proceed  
5 at all costs toward achieving its final purpose.  
6 More direct in his use of language than his predecessor,  
7 he stated that Japan alone could insure permanent peace  
8 in East Asia. There could be no peace unless the three  
9 countries of Japan, China, and Manchukuo were united  
10 in realizing the common objective of establishing a  
11 new order to replace the old. He had hoped that China  
12 would understand this and cooperate, because for  
13 those who failed to understand and persisted in opposi-  
14 tion against Japan, Japan had no alternative other than  
15 to exterminate them.<sup>a</sup> This policy was also carried  
16 forward by the cabinets succeeding that of HIRANUMA.  
17 This is apparent not so much from policy statements  
18 made by those cabinets but from their actions which will  
19 be considered shortly in another, although closely  
20 related, connection.

21 E-61. Pursuant to this policy, Japan poured  
22 her troops into China to further her program. From less  
23 than 5000 men at the time of the Marco Polo Incident,  
24 Japanese troops in China had increased to a million or  
25 (E-60, a. Ex. 2229-A, T. 15988-90.)



more by the time of the fall of the KONOE Cabinet.

1 The accused KIDO noted in his diary that the accused  
 2 ITAKAWA sent 1,600,000 men overseas to China. <sup>a.</sup> While  
 3 in the course of his testimony he attempted to maintain  
 4 that he was mistaken in view of information obtained  
 5 later, he did admit that there were at least 700,000  
 6 Japanese troops in China. <sup>b.</sup> HATA, in his interrogation,  
 7 stated that in the campaign for Hangchow, he had a  
 8 force of from 300,000 to 400,000 men sent to him from  
 9 the north for this operation. <sup>c.</sup> The forces despatched  
 10 moved deep into China. By the end of 1938, the  
 11 Japanese had taken Hsuehchow, Kaifeng, Matang, Kiukiang,  
 12 Sinyang, Canton, Hankow, and Yoyang. In 1939, they  
 13 took Nanchang, Lungchow, and Nanning. In 1940, they  
 14 captured Nichang, and in 1942, they took Lunling and  
 15 Tengchung. In 1944, they attacked Changchow, captured  
 16 Loyang, Changsha, Hengyang, Kweilin, and Luchow, and  
 17 <sup>d.</sup> recaptured Nanning.

19 E-62. The Japanese forces were organized  
 20 into expeditionary armies, known first as the North China  
 21 Expeditionary Army and the Central China Expeditionary  
 22 Army and later combined into the China Expeditionary  
 23 Forces. The spread of these forces throughout the vast

24 (E-61. a. Ex. 3341, F. 31392-3, T. 31386.

25 b. T. 31387.

c. Ex. 256, T. 3448.

d. Ex. 254, T. 3430-2.)

territory of China against obstinate opposition was,  
1 in light of the declared purposes of Japan, aggressive  
2 war in every real sense of the term. Yet the Japanese  
3 never declared war on China and preferred not to call  
4 the events that were transpiring a war, but called such  
5 events an "incident" or an "affair." Even after the  
6 termination of all hostilities, we have heard witness  
7 after witness, and even some of the accused, in this  
8 courtroom refer to the eight-years long conflict as an  
9 incident or an affair. The prevailing view among  
10 those high in governmental and military circles seemed  
11 and still seems to be that if one applies to an un-  
12 pleasant and criminal act a non-committal term, all  
13 will be well and one can avoid the responsibility  
14 that attaches to the unpleasant and criminal act. If  
15 this view is permitted to prevail, then mankind must  
16 acknowledge that it has lost the final battle in the  
17 conflict between words and reality and that it subscribes  
18 to the Hitlerian doctrine that a lie told often enough  
19 to a sufficient number of people, who may be beguiled  
20 to believe it, is the truth.  
21

22 E-63. If by this persistent reference to the  
23 hostilities with China as an "affair" or "incident"  
24 the accused intend to claim that, because neither side  
25 promulgated a declaration of war, until December 9,



1 1941, when China declared war, there was no war between  
2 Japan and China until that time, it is submitted that  
3 this contention is wholly untenable. War is a fact.  
4 Its existence does not depend upon a declaration of war  
5 from either party. The declaration is only the formal  
6 recognition by the parties of the existence of the fact.  
7 While it is sometimes true that a declaration of war  
8 is the first act taken to create a state of war between  
9 the parties, it is not the only way that state can be  
10 created. Actual hostilities can and do create a state  
11 of war as effectively and as expeditiously as any  
12 declaration of war. Certainly, the United States and  
13 Japan were at war during the interval from the moment  
14 of the attack on Pearl Harbor until the time the parties  
15 issued their respective declarations. The declarations  
16 in that case merely recognized the existence of a status  
17 which had already come into being. It cannot be con-  
18 tended that the Hague Convention relative to the  
19 Opening of Hostilities<sup>a.</sup> made a declaration of war a  
20 sine qua non to the existence of a state of war. That  
21 treaty provides for notice as a warning to the enemy  
22 against whom war is being opened, so that it may not be  
23 taken by surprise. The fact that the treaty requires  
24 notice to be given is in itself recognition that there  
25 (E-63. a. Ex. 14.)

1 can be war without a declaration. If that treaty is  
2 construed to require a declaration of war before a war  
3 can be said to exist, then the entire treaty is meaning-  
4 less and the treaty perpetuates in more vicious form  
5 the evils which it sought to eliminate. Upon that  
6 construction, any aggressor could avoid the requirements  
7 of this treaty and others dealing with the subject of  
8 war by merely stating that he was required to give  
9 notice only in the event there was a war, and until  
10 he made a declaration of war, there was nowar requir-  
11 ing him to give the notice. If it be suggested that  
12 the aggrieved nation could issue the declaration of  
13 war and thus create the state of war, we must bear in  
14 mind the lesson of recent times that aggression is  
15 often so swift that the aggrieved is completely sub-  
16 jugated before it can issue a declaration of war.  
17 Moreover, the aggressor should not escape from his  
18 just punishment merely because the aggrieved did not  
19 go through a formality which the aggressor deems of no  
20 value. Society has never permitted, in any legal sys-  
21 tem, the aggressor and the aggrieved, either alone or  
22 together, to determine for themselves the existence  
23 or the non-existence of a crime against society. It  
24 cannot permit the aggressor or the aggrieved, who  
25 for reasons of their own have not taken a certain



1 action, to determine whether, in fact, the crime against  
2 society now being tried by this Tribunal -- aggressive  
3 war -- does or does not exist. If it is decided that  
4 the existence of aggressive war depends upon the fact  
5 whether or not there exists a formal declaration of  
6 war, such a decision would accept the shadow and reject  
7 the substance, and sanctify the worst type of aggressive  
8 conduct.

9 E-64. If the conflict between Japan and China  
10 was not a war, then, indeed is mockery made of the  
11 obvious, for everything that occurred in the conflict  
12 had its counterpart in what man has traditionally known  
13 as war. Even while calling it an incident, the  
14 Japanese took, with the exception of issuing a formal  
15 declaration of war, every measure that they would have  
16 taken if they had regarded it as a war. On November 11,  
17 1937, the Imperial Headquarters Ordinance was enacted  
18 to provide for control of the armed forces in military  
19 operations in the case of war or an incident in the  
20 nature of war; and on November 20, 1937, Imperial  
21 General Headquarters was established, putting the mili-  
22 tary and naval forces on a war footing.<sup>a</sup> On Novem-  
23 ber 19, 1937, the liaison between the government and  
24 the Imperial General Headquarters was worked out. In  
25 (E-64, a. Ex. 80, T. 684; Ex. 2488, T. 20703.)

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24 the Imperial General Headquarters was worked out. In  
25 (E-64, a. Ex. 80, T. 684; Ex. 2488, T. 20703.)



1 answer to an inquiry of KIDO, the War Minister stated  
2 that Imperial General Headquarters would be established  
3 in the case of an incident only if the incident were  
4 one which required a declaration of war, that is,  
5 mobilization of the army.<sup>b.</sup> In February 1938, terms of  
6 enlistment in the Kwantung Army were extended and  
7 increased.<sup>c.</sup> In March 1938, the General Mobilization  
8 Law providing for the gearing of the entire nation to  
9 war was enacted, and in May 1938, was in part made  
10 applicable to the conflict with China.<sup>d.</sup>

11  
12 (E-64. b. Ex. 2258, T. 16221-3.  
13 c. Ex. 719-A, T. 7562-5.  
14 d. Ex. 84, T. 684; Ex. 2488, T. 20703.)  
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1 E-65. In casualties and destruction the  
2 conflict with China was one of the greatest wars  
3 that mankind has known. The figures of the Japanese  
4 show that as of June 1941, 2,015,000 Chinese had been  
5 killed; that the Chinese armed forces had lost in  
6 killed, wounded, and captured 3,800,000 men; that the  
7 Japanese had captured from the Chinese as booty,  
8 482,257 arms, 1475 tanks, cars and trucks, 2449  
9 railway engines and carriages and 410 warships and  
10 vessels; that they had destroyed 1977 Chinese planes;  
11 and that the Japanese had themselves lost 109,250 men  
12 killed and 203 planes.<sup>a.</sup> The official records of the  
13 Chinese Army show that the army alone lost from July  
14 1937 to August 1945, 3,207,948 in killed, wounded,  
15 and missing.<sup>b.</sup> This did not include the millions of  
16 non-combatants that were killed or maimed in the course  
17 of the war.  
18

19 E-66. Whatever doubt might have existed about  
20 the nature of the conflict in China is wholly dispelled  
21 by the statements of two of the accused, both of whom  
22 are professional experts in warfare and well qualified  
23 to recognize war when it exists. Both MUTO and HATA,  
24 the latter of whom was first commander of the Central

25 E-65. a. Ex. 276B, T. 3701-2  
" b. Ex. 252, T. 3415-23



China Expeditionary Army and later commander of the  
 1 China Expeditionary Forces, admitted in their  
 2 interrogations that the conflict in China was actually  
 3 a war, although the Japanese government looked upon  
 4 it and considered it an incident.<sup>a.</sup>

5 Judge Nyi will continue for the prosecution.

6 JUDGE NYI: C. THE DOMINATION OF CHINA

7 1. POLITICAL

8 E-67. The waging of war under a pledge of  
 9 destruction of the Chinese National Government unless  
 10 Japan's terms and demands were accepted was only one  
 11 half of the policy promulgated on January 16, 1938.  
 12 The other half was that Japan would expect the estab-  
 13 lishment and development of a new government with  
 14 which Japan could cooperate. Even before the establish-  
 15 ment of this policy, efforts had been made in this  
 16 direction. On July 29, 1937, immediately after serious  
 17 fighting began, the Tientsin Autonomous Council was  
 18 established under the chairmanship of Kao to handle  
 19 urgent matters for stabilizing peace in the city.<sup>a.</sup> On  
 20 August 8, 1937, KAWABE formally entered Peiping and  
 21 placed the city under martial law with himself as  
 22 military governor.<sup>b.</sup>

23 E-66. a. Ex. 255, T. 3437; Ex. 256, T. 3451  
 24 E-67. a. Ex. 2501, T. 20,863  
 25 " b. T. 3766

E-68. These early moves were but temporary expedients. For North China, even before the break in relations with Chiang Kai-shek, the plans called for something of a more permanent nature. As early as August 1937, General NEMOTO of the Special Mission told Goette of the project of forming a puppet government in Peiping.<sup>a.</sup> Shortly thereafter General KITA, head of special services in Peiping, invited Wang Ko-Min to become head of the government, and staff officers were sent to see him in Hong Kong. Wang left for North China on December 6, 1937, and thereafter decided to head the North China regime. On December 14, 1937, the Provisional Chinese Government was established.<sup>b.</sup> Goette attended the installation of the new government at which were present Japanese army officers and civilians and the members of the new puppet government.<sup>c.</sup>

E-69. The establishment of the Provisional Government was directly in line with the policy determined by the Cabinet ten days later on December 24, 1937, in the "Outline of Measures for the China Incident", to cover the situation in the event Chiang Kai-shek did not comply with Japan's demands. This

E-68. . a. T. 3852-3  
 " b. Ex. 463, T. 5297-8  
 " c. T. 3853



1 policy provided that in North China they should aim  
2 to establish an anti-communistic, pro-Japanese-  
3 Manchukuoan regime which would have inseparable economic  
4 relations with Japan and Manchukuo. The new regime was  
5 to be supervised to become the leading power in North  
6 China and it was to have an organization appropriate  
7 for the new era under leaders who would have the con-  
8 fidence of all China. Supervision was to be carried  
9 out internally by Japanese advisors who were to follow  
10 a policy of non-interference in domestic matters.  
11 This government was to supersede the former autonomous  
12 governments, and the area of its control was to depend  
13 on the scope of military operations, but was to include  
14 mainly Hopei, Shantung, Shansi, and part of Chahar  
15 provinces. a.

16 E-70. Moreover, the Japanese army had extended  
17 its operations to Shanghai and Central China, and in  
18 the event that an agreement could not be had with  
19 Chiang Kai-shek, provision had to be made for the  
20 governing of that area. The policy plan of December  
21 24 provided against that contingency. It provided  
22 that they would consider establishing a new government  
23 in that area which would have connections with the  
24 North China regime, but for the time being the matter  
25 E-69. a. Ex. 3263, T. 29,817-20

of maintaining peace would be left to Public Peace

Maintenance Associations to be established. Shanghai,

1 excluding the International Settlement and French

2 Concession, was to become a special city with a

3 Chinese mayor assisted by a Japanese Councillor.

4 Likewise its police were to have Japanese councillors. a.

5 On December 5, 1937, the Shanghai Municipal Government

6 was organized, thereafter movements for creating a new

7 regime were launched, and Public Peace Maintenance

8 Associations were created in certain places. b.

9

10 E-71. Negotiations with Chiang Kai-shek

11 having terminated, on January 27, 1938, the KONOYE

12 Cabinet decided on a program for the establishment

13 of a new Central China regime. It provided for

14 establishing the Central China Provisional Government

15 (later known as the Renovation Government) first at

16 Shanghai and then at Nanking, and for strengthening

17 and stimulating the establishment of a new regime

18 backed by Japan. Considerable part of initial costs

19 were to be borne by Japan, and local peace was to be

20 undertaken by the Japanese army until new local

21 governments were established. The new government was

22 to consist of the central government, the Shanghai

23

E-70.

" 24

25

a. Ex. 3263, T. 29,824-5

b. Ex. 463-A, T. 5303



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Maintenance Associations to be established. Shanghai,  
 1 excluding the International Settlement and French  
 2 Concession, was to become a special city with a  
 3 Chinese mayor assisted by a Japanese Councillor.  
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 21 governments were established. The new government was  
 22 to consist of the central government, the Shanghai  
 23

E-70.  
 " 24

- a. Ex. 3263, T. 29,824-5
- b. Ex. 463-A, T. 5303

25

of maintaining peace would be left to Public Peace Maintenance Associations to be established. Shanghai, excluding the International Settlement and French Concession, was to become a special city with a Chinese mayor assisted by a Japanese Councillor. Likewise its police were to have Japanese councillors. On December 5, 1937, the Shanghai Municipal Government was organized, thereafter movements for creating a new regime were launched, and Public Peace Maintenance Associations were created in certain places.

E-71. Negotiations with Chiang Kai-shek having terminated, on January 27, 1938, the KONOYE Cabinet decided on a program for the establishment of a new Central China regime. It provided for establishing the Central China Provisional Government (later known as the Renovation Government) first at Shanghai and then at Nanking, and for strengthening and stimulating the establishment of a new regime backed by Japan. Considerable part of initial costs were to be borne by Japan, and local peace was to be undertaken by the Japanese army until new local governments were established. The new government was to consist of the central government, the Shanghai

- a. Ex. 3263, T. 29,824-5  
b. Ex. 463-A, T. 5303

E-70.  
" 24



1 Special Municipality, provincial governments, and  
 2 county autonomous bodies.<sup>a.</sup> On the same day, in a  
 3 companion policy for the direction of the Central  
 4 China Administration, it was provided that a highly  
 5 pro-Japanese regime would be established. General  
 6 inner direction of this regime was to be carried  
 7 out by Japanese officers who were to avoid detailed  
 8 direction and interference in administration and  
 9 participation in provincial governments. The army  
 10 was to be trained under the guidance of Japan, and the  
 11 navy and air force were to be included in Japan's  
 12 defense plans. Japanese were to instruct the police.<sup>b.</sup>  
 13 Attempts were made by MATSUI through SUGANO and others  
 14 to have Chen Chung-Fu form the new regime.<sup>c.</sup> When  
 15 this failed, it became known that General HARADA and  
 16 Colonel KUSUMOTO, of the Army Special Service in  
 17 Shanghai, and the naval special organ assisted various  
 18 groups to expedite collaboration. On March 28, 1938,  
 19 the Renovation Government was established.<sup>d.</sup> In general,  
 20 it followed the plan established by the Japanese  
 21 Cabinet.

22 E-72. However, the Provisional and Renovation  
 23

24 E-71. a. Ex. 463-A, T. 5315-7  
 " b. Ex. 463-A, T. 5311-3  
 " c. Ex. 463-A, T. 5306  
 25 " d. Ex. 463, T. 5308-9

Governments were themselves only temporary expedients.  
1 They divided China artificially into North and Central  
2 China. The situation differed considerably from the  
3 case in Manchuria. There by digging deep into the  
4 forgotten wells of history the Japanese had been able  
5 to find a shaky foothold on which to base a justifica-  
6 tion of independence for Manchuria. Here, there could  
7 be found in the history of China no such justification,  
8 for China had been a unity and a nation for thousands  
9 of years. To keep it divided would disclose to the  
10 world Japan's purpose and make clear that Japan had  
11 taken over and was controlling China. It was, therefore,  
12 essential that a new national government be formed  
13 embracing all of China under the leadership of one who  
14 would be amenable to Japan. The leader selected by  
15 Japan was Wang Ching-Wei, Vice-Chairman of the Kuomintang  
16 and of the Chinese National Defense Council.  
17

18 E-73. According to defense witness KAGESA,  
19 in the spring of 1938, immediately after the temporary  
20 governments had become created, Kao and Tung, former  
21 officials of China's Foreign Ministry, were brought  
22 by the Japanese forces in China to meet with the  
23 witness, then Chief of the Chinese Section of the  
24 General Staff, who had advance notice of their coming.  
25

E-73. a. Ex. 2721-A, T. 23, 978, T. 24,020-1



1 These men proposed that some person other than Chiang  
2 Kai-shek must be found to invite peace and that there  
3 was no one better suited for this than Wang Ching-  
4 Wei. <sup>b.</sup> KAGESA immediately reported the matter to  
5 Vice-Chief of Staff TADA who in turn reported it to  
6 War Minister SUGIYAMA. The latter took the matter  
7 up with the Five Ministers Conference which determined  
8 that there was no objection to the plan. <sup>c.</sup> This  
9 decision was clearly a green light for the Chinese  
10 collaborators to go ahead with the plan.

11 E-74. Japan, in the meantime, decided to go  
12 ahead with forming the nucleus of the new government.  
13 Foreign Minister UGAKI, who had succeeded HIROTA  
14 in the KONOYE Cabinet, reported to the Emperor on  
15 September 21, 1938, that the government was carefully  
16 planning a new Chinese Central Government, and as  
17 a base for this had decided to immediately establish  
18 a federated committee with the cooperation of the  
19 Provisional and Renovation Governments. On August 27  
20 and 28th, Japan's representatives and military authorities  
21 decided on a basic plan. On September 9 and 10th,  
22 these representatives met with the representatives of  
23 the Provisional and Renovation Governments at Dairen

24 E-73.      b. Ex. 2721-A, T. 23,978  
25      "      c. T. 24,024, 24,026

in Manchuria and decided to establish the committee.

1 The committee, which was established on September 22,  
 2 was to control common administrative matters and, as  
 3 its chief purpose, to facilitate the establishment of  
 4 a new Central Government.<sup>a.</sup> In his testimony, ITAGAKI  
 5 admitted that in July 1938, BANZAI, DOHIHARA, and TSUDA  
 6 were sent to China to see Tang Shao-I and Wu Pei-Fu  
 7 and to get the cooperation of those who desired peace.<sup>b.</sup>  
 8 While ITAGAKI has denied that they were sent to work  
 9 out the new regime,<sup>c.</sup> in view of the fact that Japan  
 10 insisted that peace could come only with a new regime,  
 11 it is clear that the work of this group was solely  
 12 concerned with the project for the new regime.

14 E-75. Having set up the federated committee,  
 15 the next step was to bring Wang Ching-Wei into the  
 16 picture. According to KAGESA, in the autumn of 1938  
 17 Colonel Imai came from Shanghai bringing a tentative  
 18 draft of peace terms drawn up by Kao and Mei.<sup>a.</sup> The  
 19 plan proposed was submitted by War Minister ITAGAKI  
 20 to the Five Ministers Conference.<sup>b.</sup> Amendments to  
 21 the plan were made by the Army Staff and War Ministry.<sup>c.</sup>  
 22 On November 19, 1938, KAGESA and IMAI under orders from

23 E-74. a) Ex. 269, T. 3589-90  
 24 " b) Ex. 3316, T. 30,307, T. 30,432  
 " c) T. 30,432  
 25 E-75. a. Ex. 2721-A, T. 23,979  
 " b. T. 24,031  
 " c. Ex. 2721-A, T. 23,979, 24,030



1 ITAGAKI, after the latter's consultation in the Five  
 2 Ministers Conference, went to Shanghai to deliver  
 3 Japan's terms which were in substance those later  
 4 given by KONOYE in his December statement.<sup>d.</sup> The  
 5 plan adopted was that Wang would escape from Chunking  
 6 in accordance with a plan which Wang and Kao had  
 7 arranged, and Japan would then announce the peace  
 8 terms. KAGESA reported this to ITAGAKI, who, in turn,  
 9 admittedly on November 25, 1938, obtained the consent  
 10 of the Five Ministers Conference.<sup>e.</sup> It was a natural  
 11 part of the plan that after Wang had escaped and  
 12 Japan had clarified its terms, Wang should accept  
 13 them.

14 E-76. The terms of the peace that would be  
 15 made with Wang were embodied in the policy of adjusting  
 16 new relations with China adopted by the Five Ministers  
 17 Conference on November 25, 1938.<sup>a.</sup> The adoption of  
 18 this policy was deemed of such importance that the  
 19 matter was referred for decision to an Imperial  
 20 Conference. The Imperial Conference was held on  
 21 November 30, 1938, and approved the policy and the  
 22 taking of Hainan Island.<sup>b.</sup> The policy adopted was  
 23 presented by Foreign Minister ARITA and was identical

24 E-75. d. Ex. 2721-A, T. 23,979, 24,032-3  
 25 " e. Ex. 2721-A, T. 23,979-80, 24,037-8; Ex.  
 3316, T. 30,309  
 E-76. a. Ex. 3316, T. 30,309  
 " b. Ex. 3316, T. 30,309

1 with the policy reported by ARITA on the previous  
2 day, November 29, 1938, to the Privy Council. It  
3 provided that China would recognize Manchukuo; that  
4 the three nations would cooperate in politics, diplomacy,  
5 education, propaganda, and trade; that there would be  
6 cooperation and joint defense against the Comintern  
7 with Menkiang (the Mongolian Border) established as  
8 a special military and political zone for such purposes,  
9 and Japan to have the right to station troops in North  
10 China with China to bear part of the cost; that military  
11 demands and rights over railroads would be reserved;  
12 that economically emphasis would be laid on securing  
13 from North China the resources which Japan and  
14 Manchukuo lacked; that Japan would examine the policy  
15 of the open door from the standpoint of establishing  
16 a three-nation economic bloc based on Japan's defense  
17 needs, and would not recognize it to the extent that  
18 it was incompatible with that viewpoint; and that  
19 Japan would strengthen political relations with Germany  
20 and Italy.  
21

22 E77. In anticipation of the events that were  
23 about to occur, a central organ was established. On  
24 December 16, 1938, the China Affairs Board was established  
25 under the Premier to be in charge of affairs concerning  
Ec76. c. Ex. 269, T. 3592-9



1 politics, economy, and cultural needs in China  
 2 during the Incident. It was to formulate policies  
 3 and supervise the business of companies established  
 4 to start enterprises in China and to control business  
 5 in China. The Ministers of Foreign Affairs, Finance,  
 6 War and Navy were to be its vice-presidents.<sup>a.</sup> The  
 7 organization had its head office in Tokyo and a  
 8 branch in Shanghai, Peiping, Amoy and Kalgan. The  
 9 Tokyo office had four divisions - political, economic,  
 10 cultural, and technical, while the branches had political,  
 11 economic, and cultural divisions. Decisions made by  
 12 the head office were transmitted to the proper branch  
 13 office which took the matter up with the local Chinese  
 14 government. Even after the establishment of the  
 15 Nanking government in March 1940, the organization  
 16 continued to function in order to effect the decisions  
 17 of Tokyo. Liaison was maintained between the local  
 18 branches and the military commanders in the field.<sup>b.</sup>

19 E-78. As planned, Wang Ching-Wei escaped  
 20 from Chungking on December 18, 1938, and went to Hanoi  
 21 in French Indo-China.<sup>a.</sup> On December 22, 1938, also

22 as planned, KONOYE issued his statement that Japan

23 E-77. a. Ex. 455, T. 5183-5  
 24 " b. Ex. 389, T. 4762-3

25 E-78. a. Ex. 2721-A, T. 23,980

desired to make public its basic policy for adjusting relations with the new China. He stated that:

(1) China should give up anti-Japanism and resentment against Manchukuo and enter into complete diplomatic relations with Manchukuo; (2) that there should be concluded an anti-Comintern agreement like the one among Japan, Germany, and Italy, under which Japan would have the right to station troops at designated points during the period of the agreement and Inner Mongolia would be designated as a special anti-communist area; (3) that Japan did not want an economic monopoly and would not demand that China limit the interests of third powers who understood the new East Asia and would act accordingly, but did demand that China follow the principle of equality and give to Japan the facilities for developing natural resources, especially in North China and Inner Mongolia. <sup>b.</sup> On December 29, 1938, Wang made a speech in Hanoi in which he stated that in view of KONOYE's declaration he had come to believe that the National Government should, as soon as possible, exchange views with Japan <sup>c.</sup> on the basis of the three points to restore peace.

E-79. Since for Japan's purposes at deceiving

E-78.  
"

b. Ex. 268, T. 3566-8; Ex. 2535, T. 21,423-6  
c. Ex. 2590, T. 22,310



the world Wang could not head the new government from Hanoi, the next step was to bring him to China. In March 1939, the Five Ministers Conference decided to send KAGESA to Hanoi to take Wang to a safety zone,<sup>a.</sup> which ITAGAKI testified was designated as Shanghai.<sup>b.</sup> KAGESA arrived in Hanoi on April 17 carrying letters to Wang from ARITA, ITAGAKI, SUZUKI, and YONAI, and immediately contacted Wang.<sup>c.</sup> Arrangements were made for leaving, and the party, including Wang, left Hanoi on April 25.<sup>d.</sup> With greatest secrecy, all arrangements for the boat, the trip, the housing, and protection of Wang in Shanghai were carried out by KAGESA on a fixed schedule.<sup>e.</sup> The party arrived in Shanghai on May 8, 1939.<sup>f.</sup>

E-80. On May 31, 1939, after having met in Shanghai with the Chinese collaborationists, including Kao and Mei, Wang accompanied by these Chinese and the KAGESA Party, left for Tokyo.<sup>a.</sup> While in Tokyo during early June, he conferred with HIRANUMA, ITAGAKI, KONOYE, ARITA, and YONAI.<sup>b.</sup> The discussions as reported

E-79. a. Ex. 2721-A, T. 23,982-3; 24,042  
 " b. Ex. T. 30,441  
 " c. Ex. 2721-A, T. 23,983; 24,054  
 " d. Ex. 2721-A, T. 23,984-5; 24,056  
 " e. Ex. 2721-B, 2721-H, T. 24,151-162  
 " f. Ex. 2721-A, T. 23,985

E-80. a. Ex. 2721-A, T. 23,988-90; 24,099  
 b. Ex. 2585, T. 22,254-70

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 " f. Ex. 2721-A, T. 23,985

E-80. a. Ex. 2721-A, T. 23,988-90; 24,099  
 b. Ex. 2585, T. 22,254-70



by KAGESA<sup>c.</sup> and SHIMIZU, the interpreter,<sup>d.</sup> showed  
 1 Wang completely agreeable to going along with the  
 2 Japanese plan, and that the Japanese attitude was that  
 3 Wang was free to act, so long as he acted in compliance  
 4 with Japanese desires and demands. While in Tokyo,  
 5 the Wang party presented a note asking that China's  
 6 sovereignty be respected.<sup>e.</sup> It was nothing more than  
 7 the plaintive plea that China be left with some  
 8 semblance of sovereignty and that Japanese technical  
 9 experts rather than political advisors be appointed  
 10 in each ministry. It asked that Japan, in the event  
 11 it desired anything, would act through diplomacy and  
 12 not by military decree.  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

24 E-80. c. Ex. 2721-4, T. 23,991-6  
 25 " d. Ex. 2585, T. 22,262-72; Ex. 2586, T. 22,286-91  
 " e. Ex. 2588, T. 22,276-84

E-81. Having completed his errand in Tokyo,  
 1 Wang returned to China accompanied by KAGESA and con-  
 2 ferred with the leaders of the Provisional and Reno-  
 3 vation Governments with respect to the establishment of  
 4 a central government.<sup>a.</sup> He also conferred on this  
 5 problem with General TADA and reached an understanding.<sup>b.</sup>  
 6 A war of active propaganda was started by means of radio  
 7 and newspapers.<sup>c.</sup> From August 28 to September 6, 1939,  
 8 Wang conducted the "Sixth National Kuomintang Congress"  
 9 of the dissenters from Chiang Kai-shek's policy, which  
 10 affirmed as principles all of Japan's demands and dis-  
 11 cussed preparations for the Central Political Conference  
 12 to establish a new central government.<sup>d.</sup> After con-  
 13 sultation with various political leaders, Wang issued  
 14 an invitation to the Provisional and Renovation Govern-  
 15 ments to participate in organizing the Central Political  
 16 Council to create a new state.<sup>e.</sup> On September 22 and  
 17 23, 1939, respectively, the Renovation and Provisional  
 18 Governments accepted.<sup>f.</sup>

E-82. In the meantime, in Japan action was  
 21 taken to implement the plan because, according to KAGESA,  
 22 in order to prove its sincerity, Japan had to deliberate  
 23

(E-81. a. T. 24125-6; Ex. 2598, T. 22345.

b. Ex. 2721-A, T. 24125-6.

c. Ex. 2598, T. 22345.

d. Ex. 2598, T. 22345-8.

e. Ex. 2594, T. 22333-5.

f. Ex. 2595, T. 22336-7; Ex. 2596, T. 22338-9.)



with Wang on the embodiment of the KONOYE statement prior to Wang organizing a government - a polite way of stating that Japan had to make sure that Wang would carry out Japan's demands. In October, 1939, the China Affairs Board had a tentative plan. The plan was studied by both Japanese and Chinese and finally approved by both sides on December 30, 1939.<sup>a.</sup> In January, 1940, Goette was told by the Japanese Army press section that an agreement had been reached for forming a new government. At the time, KAGESA by his actions disclosed that he was playing the leading role in the conference.<sup>b.</sup> On March 30, 1940, the new government under Wang Ching-wei<sup>c.</sup> was formally established at Nanking.

E-83. Wang Ching-wei upon becoming president of the new regime quickly took steps to carry out his commitments to Japan. On October 10, 1940, there was initiated a treaty between the new government and Japan, and on November 30, it was formally signed.<sup>a.</sup> This treaty provided that the two governments should effect close co-operation so as to complement each other and minister to each other's needs in resources in North China and Menkiang, especially minerals needed for national defense. Wang agreed that the resources would

(E-82. a. Ex. 2721-A, T. 23998-24000.

b. T. 3858.

c. Ex. 276-A, T. 3701.

E-83. a. Ex. 464, T. 5323-5; Ex. 2721-A, T. 24002.)

be developed in close co-operation with Japan. To  
develop resources needed in other areas, Wang agreed to  
give positive and full facilities to Japan.<sup>b.</sup> Accom-  
panying the treaty were two secret agreements. In the  
first, it was agreed that diplomacy would be based on  
concert of action, and no measure would be taken with  
respect to third countries contrary to that principle.  
Wang also agreed to comply with Japan's demands for  
military needs in railways, airways, communications and  
waterways in areas where Japanese troops were stationed.  
China's administrative and executive rights were to be  
respected in ordinary times.<sup>c.</sup> Wang thus surrendered to  
Japan China's independence and freedom of action in  
diplomatic and military matters. The second secret  
agreement allowed Japanese vessels to anchor in China  
harbor areas and allowed Japanese units to be stationed  
there. Wang agreed to co-operate in planning, develop-  
ing and producing special resources, especially strategic  
ones needed for defense of Amoy, Hainan Island and other  
places.<sup>d.</sup> In a supplementary letter to the agreement,  
Wang promised that so long as Japan was carrying on  
military operations in China, China would co-operate to-  
ward full attainment of Japan's war purpose.<sup>e.</sup> With these

- (E-83. b. Ex. 40, T. 5320-1.  
c. Ex. 465, T. 5327-8.  
d. Ex. 465, T. 5328-30.  
e. Ex. 465-A, T. 5331.)



1 ~~treaties~~ Wang complied with Japan's military, political  
 2 and economic demands. To comply with the demands of  
 3 anti-communism and recognition of Manchukuo, Wang signed  
 4 on November 27, 1940, the Protocol among Japan, China  
 5 and Manchukuo which provided that the three countries  
 6 would bring about general reciprocal co-operation, a  
 7 common defense against communism and economic co-  
 8 operation.  
 9 f.

10 E-84. That Japan never regarded the Wang  
 11 government as anything but a satrapy of Japan is well  
 12 evidenced by the fact that when on November 1, 1942, the  
 13 Ministry of Greater East Asia was established with juris-  
 14 diction to administer the political, excepting diplo-  
 15 matic, affairs of Greater East Asia, the relations with  
 16 China were placed under that Ministry. The China Affairs  
 17 Bureau of that ministry was charged with matter of  
 18 Chinese foreign affairs, of supervising corporations  
 19 conducting business in China, cultural work for China,  
 20 and other matters concerning China.  
 21 a.

22 Mr. Brown will continue.

23 MR. BROWN: 2. ECONOMIC

24 E-85. While a great deal of attention was paid  
 25 by the Japanese to avoid giving the impression to the  
 outside world that the new governments were puppets

(E-83. f. Ex. 464-A, T. 5325; Ex. 40, T. 5322.  
 E-84. a. Ex. 90, T. 5186-9.)

controlled by Japan, Japanese economic control of the newly conquered areas of China was much more direct and open. Economic domination of China and its vast resources was the prime aim of the conspirators. As pointed out before, in the terms given to the National Government of China through Germany, economic demands played a large part. In the KONOYE statement of December 22, 1938, of the conditions on which Japan would make peace, one of the three terms demanded was economic cooperation. In fact, this was the one thing of real value which Japan wanted, inasmuch as the other terms added little to what Japan already had. The recognition of Manchukuo, while giving a gloss of respectability and legality to Japan's action, added nothing to Japan's actual control of Manchukuo. Joint defense against communism meant little to Japan, which already had more powerful allies in that endeavor and which shortly after entered into a non-aggression treaty with the Soviet Union. The actual extent of Japan's economic demands has already been seen in the treaty.

E-86. The obtaining of economic control was carefully planned. In "The Outline of Measures for the China Incident," decided by the KONOYE Cabinet on December 24, 1937, to dispose of matters in the event Generalissimo Chiang Kai-shek did not accept Japan's



1 terms, Japan's economic plans were worked out in some  
2 detail. The plan stated that the object of economic  
3 development in North China should be to strengthen the  
4 relation of Japanese and Manchurian economy and to  
5 establish the foundation for co-prosperity between those  
6 two and China. Every line of economy was to be developed  
7 by combining Chinese capital with Japanese capital and  
8 technique so as to contribute to the production of  
9 materials necessary for national defense of both Japan  
10 and Manchukuo. The Chinese were to be put in the lime-  
11 light to avoid giving them the impression that economic  
12 pressure was being applied. A national policy company  
13 to develop and control North China economy was to be  
14 organized to realize Japan's industries. In managing the  
15 company they were to be careful to exercise control  
16 according to circumstances. Co-operative investments by  
17 third powers and existing economic rights of third powers  
18 were to be respected as much as possible. Existing major  
19 industrial enterprises were to be disposed of or adjusted  
20 according to this policy. Finances were to be strength-  
21 ened and the gold production industry was to be taken  
22 over immediately from the viewpoint of international  
23 revenue and Japanese disbursements. The policy further  
24 provided that for establishing Japan's economic develop-  
25 ment in Central China with Shanghai as a base, a national

policy company was to be created to maintain control of  
1 the public utilities. Complete plans for making Shanghai  
2 the special base were included. Businesses which could  
3 be started immediately were to be allowed to do so on  
4 condition that they be properly disposed of when the  
5 national policy company was formed.<sup>a.</sup>

6 E-87. The basic concept behind this plan was to  
7 meet and satisfy all of Japan's economic needs for the  
8 program of aggression upon which she had embarked, and  
9 for that purpose to integrate the economy of China with  
10 that of Japan and Manchukuo. That the primary consider-  
11 ation was Japan's needs for the program of aggression was  
12 well brought out in the statement of the accused KAYA to  
13 the witness Goette, a statement which has never been  
14 denied. KAYA stated in 1940 that the plan for mobilizing  
15 materials in North China had three main points: the  
16 first was to supply Japan with war materials being con-  
17 sumed in the Sino-Japanese hostilities; the second was to  
18 expand Japan's armament; and the third was to meet the  
19 needs of peace-time industry.<sup>a.</sup>

20  
21 E-88. To meet these fundamental purposes, a  
22 series of plans was brought forward for the integration  
23 of China's economy with that of Japan and Manchukuo into  
24 a so-called co-prosperity sphere. In the Board of  
25 (E-87. a. T. 3872.)



Plannings "Program for the Economic Development of  
China," published in the Tokyo Gazette for December,  
1938, it was stated that the development of natural  
resources in China would have far-reaching effects in  
realizing the ideal of economic collaboration - the base  
for the new, ideal order in East Asia. It would have an  
important effect on Japan, the stabilizing power, in  
that it would supply certain things, strengthen national  
defense and augment productive power. Sufficient supplies  
would decrease Japan's overseas payments, and the co-  
ordination of industries within the three countries would  
adjust supply and demand and help balance international  
payments.<sup>a</sup> Even minor industry, which was to be left  
free from the control of the national policy company,  
was to be conducted on the principles that Japan, Man-  
chukuo and China must avoid economic rivalry, that there  
should be a restriction of any enterprise requiring dual  
investment, and that they should avoid indiscriminate  
duplication of enterprises of the same kind.<sup>b</sup> In the  
"Program for Economic Construction embracing Japan, China  
and Manchukuo" of November 5, 1940, integration was fully  
developed. The basic policy adopted was that the objec-  
tive of the program was to establish a self-supporting  
and self-sufficient economic structure within ten years

(F-88. a. Ex. 460-A, T. 5259-60.

b. Ex. 462-A, T. 5280-1.)

1 to strengthen the position of East Asia in world  
2 economy. Under the program, Japan's function was to  
3 promote science and technique and develop power indus-  
4 tries such as heavy, chemical, and mining. Manchukuo  
5 was to swiftly perfect and develop important basic  
6 industries, especially in the mining and electrical  
7 fields. China was to develop her resources, further her  
8 mining and salt industries and undertake large scale  
9 production of raw materials. The plan made clear that  
10 Japan alone had decided for the three countries the  
11 essential policies with respect to spheres of industrial  
12 activity, labor, finance, banking, exchange, communication  
13 and transport.

14 E-89. To put these --

15 THE PRESIDENT: Mr. Brown, you have already  
16 read four pages in five minutes. You have done very  
17 well.

18 We will adjourn until half-past nine tomorrow  
19 morning.

20 (Whereupon, at 1600, an adjourn-  
21 ment was taken until Friday, 13 February  
22 1948, at 0930.)  
23

24 E-88. c. Ex. 462-A, T. 5286-95  
25



1 to strengthen the position of East Asia in world  
2 economy. Under the program, Japan's function was to  
3 promote science and technique and develop power indus-  
4 tries such as heavy, chemical, and mining. Manchukuo  
5 was to swiftly perfect and develop important basic  
6 industries, especially in the mining and electrical  
7 fields. China was to develop her resources, further her  
8 mining and salt industries and undertake large scale  
9 production of raw materials. The plan made clear that  
10 Japan alone had decided for the three countries the  
11 essential policies with respect to spheres of industrial  
12 activity, labor, finance, banking, exchange, communication  
13 and transport.  
c.

14 E-89. To put these --

15 THE PRESIDENT: Mr. Brown, you have already  
16 read four pages in five minutes. You have done very  
17 well.

18 We will adjourn until half-past nine tomorrow  
19 morning.

20 (Whereupon, at 1600, an adjourn-  
21 ment was taken until Friday, 13 February  
22 1948, at 0930.)  
23

24 E-88. c. Ex. 462-A, T. 5286-95  
25